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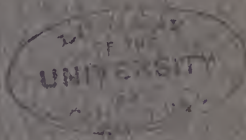


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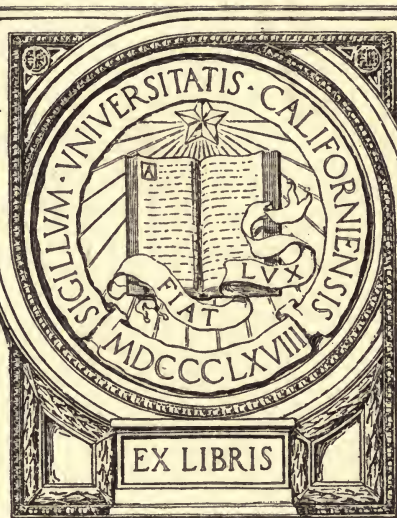
# OREGON SCHOOL LAWS 1913

Compiled and Annotated.  
by  
J. A. CHURCHILL  
Superintendent of Public Instruction



SALEM, OREGON  
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THE  
OREGON SCHOOL LAWS

WITH

RULES AND REGULATIONS

OF THE

STATE BOARD OF EDUCATION

PREPARED BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

TO BE

Preserved and Delivered by Each School Officer  
to His Successor



SALEM, OREGON  
WILLIS S. DUNIWAY, STATE PRINTER  
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**DEPARTMENT OF EDUCATION, STATE OF OREGON**

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**J. A. CHURCHILL**, Superintendent Public Instruction

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## PREFACE

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This compilation is made under and by virtue of the authority of an act of the Legislative Assembly of this State, of the session of 1899, and a joint resolution of the Legislative Assembly of 1913. The act referred to provides that the Superintendent of Public Instruction shall annotate and compile the school laws and that said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the schools throughout the State. This compilation embraces all the statutes now in force, which in any way affect the public school system; a summary of the decisions of the Supreme Court of Oregon, and the most important decisions of the Attorney-General upon the school laws; the rules and regulations of the State Board of Education, suggestions for the use of school officers, and plans for rural school buildings.

The law relating to the State schools is omitted in order to make this volume a more convenient size. Full information relative to these schools may be obtained from their respective catalogues, which will be sent upon application by the president of each school. Address, President J. H. Ackerman, of the State Normal School, Monmouth; President W. J. Kerr, of the Oregon Agricultural College, Corvallis, and President P. L. Campbell, of the University of Oregon, Eugene.



## AUTHORITY FOR THIS COMPILATION.

The Superintendent of Public Instruction shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the school laws throughout the State. [L. O. L. § 3946.]

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## SENATE JOINT RESOLUTION NO. 22.


*Resolved by the Senate, the House concurring:*

That the Superintendent of Public Instruction is hereby authorized to annotate and compile the School Laws of Oregon, and the State Board of Education is authorized to order 18,000 copies of such annotated laws published, and when published, they shall be disposed of as follows:

1. One copy to each district school officer in the State and one copy to each member of the legislature.
2. Five copies to every county school superintendent in the State.
3. Five copies to each chartered educational institution in the State.
4. The remainder to be distributed at the discretion of the Superintendent of Public Instruction.

Filed in the office of the Secretary of State February 14, 1913.





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# SCHOOL LAWS

## TITLE I

### OFFICERS AND THEIR POWERS.

#### CHAPTER I.

##### SUPERINTENDENT OF PUBLIC INSTRUCTION.

###### § 1. *Superintendent of Public Instruction a Distinct Office.*

The office of Superintendent of Public Instruction in this State is hereby declared to be a separate and distinct office, and the present incumbent of said office shall hold the same during the term for which he has been elected, and until his successor is duly elected and qualified. [L. O. L. § 3943.]

###### § 2. *Election and Salary of Superintendent.*

A Superintendent of Public Instruction shall be elected at the general election of the year 1902, and every four years thereafter, and shall qualify and enter upon the duties of his office on the second Monday in January following his election. He shall receive annually a salary of \$3,000, payable by the State as the salaries of other State officers are paid. [L. O. L. § 3944.]

###### § 3. *Office of Superintendent.*

He shall be provided with an office at the State Capitol, furnished with the necessary stationery, lights, fuel, etc., to be paid for by the State as the expenses of other State officers are paid. [L. O. L. § 3945.]

###### § 4. *Duties of Superintendent.*

1. It shall be the duty of the Superintendent of Public Instruction to exercise a general superintendence of the county and district school officers and the public schools of this State.

2. He shall visit, as far as practicable, every county in the State, annually, in the interest of education.

3. He shall attend county institutes within the State and educational meetings out of the State when practicable, and



shall assist in the organization and development of institute work in each county; he shall visit, as often as practicable, the principal schools of the State for the purpose of inspection and supervision; and he shall also keep statistics of the condition of schools, buildings, appurtenances, apparatus, libraries, the conduct and standing of pupils, methods of instruction, and the discipline and government of schools, etc.

4. He shall visit in person, when practicable, all the chartered educational institutions of the State, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature.

*Shall Furnish Blanks, etc.*

5. He shall prepare and distribute to the various county school superintendents in the State such a uniform series of blanks, registers, forms, rules, and regulations as he may deem necessary for the administration of the school laws; and the Secretary of State shall cause the same to be printed. County school superintendents shall receipt to the Superintendent of Public Instruction for all supplies received, and distribute the same to the various district clerks, taking their receipts for the same.

*Shall Act as Secretary State Board of Education.*

6. He shall act as secretary of the State Board of Education. He shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the school laws throughout the State.

7. He shall, whenever he may deem the same expedient, issue printed letters and circulars to school officers pertaining to any subject relative to the duties of teachers, directors, pupils, parents and guardians, the management of schools, and all other questions of general and special interest to the cause of education.

*Shall Decide Cases Submitted to Him on Appeal.*

8. He shall decide, without cost to the parties, all questions of doubt that may be submitted to him, and all disputes that may be appealed to him from the county school superintendents, concerning the proper administration of the school laws of this State and of the rules and regulations of the State Board of Education, and concerning the ministerial duties of



school officers and teachers; but he may, in his discretion, submit any such question or dispute to the State Board of Education, who shall then decide the same. The State Superintendent, or the State Board of Education, may require the opinion, in writing, of the Attorney General concerning such questions or disputes, whose duty it shall be to give the same. The State Board of Education shall adopt reasonable rules of procedure to govern the submission of such questions, and the trials and appeals provided for in this act. The decision of the State Superintendent or of the State Board of Education, as herein provided, shall guide school officers and teachers in the discharge of their duties in respect to the matters so decided; but this section shall not be construed to deprive any person of his ordinary remedy in a court of competent jurisdiction.

In *School Dist. v. Irwin*, 34 Or. 431, 56 Pac. 413, it was held that an appeal from an order of the county school superintendent to the State Superintendent of Public Instruction is not authorized, but since this decision was rendered the law has been changed. The provision that "all disputes that may be appealed to him from county school superintendents concerning the proper administration of school laws of this State, and of the rules and regulations of the State Board of Education," etc., of subd. 8, was not contained in the former law, and this language would no doubt be construed to authorize an appeal in such cases. This is strengthened by Section 68, which provides that a county school superintendent shall "hear, examine, and decide appeals from district officers and teachers without cost to the appellants, and subject to an appeal to the Superintendent of Public Instruction."

### *Shall Hold State Teachers' Association.*

9. He shall, once in each year, cause to be held a State teachers' association, at such time and place as in his judgment will best promote the general interests of education.

### *Traveling Expenses.*

10. He shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the State; *provided*, that such sum shall not exceed \$900 per annum; *provided, further*, that every such claim shall be verified by the Superintendent of Public Instruction, and said Superintendent of Public Instruction shall receive no other salary or fees or perquisites for the performance of any duties required by law as said superintendent or member of any board. [L. O. L. § 3946.]

### *§ 5. Biennial Reports—Subjects of.*

The Superintendent of Public Instruction shall report to the legislative assembly, biennially, in the same manner and at the same time that other State officers make their reports. His reports shall contain:

1. The general condition of the public schools of the State;  
2. The amount of school money apportioned among the several counties, and the sources whence such money was derived;

3. The amounts raised by county and district taxes, and the amounts paid for teachers' salaries, buildings, furniture, etc.;

4. The series of text-books authorized in accordance with the provisions of the law;

5. The rules and regulations prescribed by the State Board for the government of public schools;

6. The number and grade of the schools in each county;

7. The number of persons between the ages of four and twenty years, the number attending public schools, the number attending private schools, and the number not attending any school;

8. Any and all information that in his judgment may be useful to the public, and for the advancement of the educational interests of the State. [L. O. L. § 3947.]

#### § 6. *Present Certificates Not Invalidated.*

Nothing in this act shall be construed to invalidate the life of any certificate or diploma now in full force and effect in this State, nor to invalidate the rights and privileges now granted by such certificate or diploma. Present holders of State certificates shall be allowed to secure a life certificate by taking a satisfactory examination in botany, geometry and general history; and, all persons who have, prior to June 1, 1911, partially completed their examinations for State certificates shall be allowed to complete the examinations for State certificates and life diplomas in accordance with the laws, rules and regulations now governing the examination for State certificates and life diplomas. Present holders of first grade county certificates in this State which are subject to renewal without examination, shall be entitled to have the same renewed by the State Superintendent of Public Instruction under the provisions of the law now in effect. [L. 1911, Ch. 58, p. 86, § 1.]

Applicants for teachers' certificates at a State examination, cannot claim exemption from examination as to branches upon which they have previously passed, under the statute which has been repealed, providing that grades earned at one examination may be credited at a succeeding examination.—Report of Attorney General, 1913, p. 106.

NOTE.—The above opinion refers to an old certificate law which contained the following clause: "Provided, that whenever an applicant has upon two successive examinations received eighty-five per cent or more in one or more branches, said applicant may at the next examination thereafter be excused from examination upon such branches and be credited with the standings so earned."

This law was repealed in 1911. At that time many persons had earned exemptions in a few of the subjects, but these were forfeited on account of the



repeal of the law. Only those who had, at the time the law was changed, earned exemptions in all of the thirteen subjects, including English literature and physical geography, which were then required for a first grade certificate, can continue to use their exemptions in securing renewals of their first grade county certificates.

§ 7. *Certificates Issued by Superintendent of Public Instruction.*

All certificates, except those provided for in Sections 22 and 23 shall be issued by the Superintendent of Public Instruction. [L. 1911, Ch. 58, p. 86, § 2.]

§ 8. *Classification of Certificates.*

The certificates granted by the authority of the State of Oregon and authorizing the holder to teach in the public schools of this State shall be classified as follows:

1. Life State certificates.  
Five-year State certificates.  
Primary five-year State certificates.  
One-year State certificates.  
Special certificates.
2. Temporary county certificates.
3. Special district certificates. [L. 1911, Ch. 58, p. 86, § 3.]

§ 9. *Fees.*

1. Fees for the several certificates named in Section 8 shall be as follows:

Life State certificate .....	\$6.00
Five-year State certificate or renewal thereof.....	4.00
Primary five-year State certificate or renewal thereof.....	4.00
One-year State certificate or renewal thereof.....	2.00
Special certificate .....	6.00
Temporary county certificate .....	2.50

Special district certificate at option of authority issuing.

2. (a) All fees for State certificates by examination and temporary county certificates, shall be paid to the county superintendent conducting the examination, who shall remit the same within three days to the Superintendent of Public Instruction, taking his receipt therefor.

(b) All fees for State certificates other than by examination shall be paid to the Superintendent of Public Instruction.

(c) All fees so received by the Superintendent of Public Instruction shall be paid within thirty days to the State Treasurer, taking his receipt therefor, and by that office kept separate and apart from other funds and accredited to a fund which shall be known as the State Board of Examiners' Fund and

shall be paid out only on warrants of the Secretary of State, based on duly verified claims as other claims are paid. [L. 1911, Ch. 58, p. 87, § 4.]

All fees collected by county school superintendents from applicants for teachers' certificates, must be paid to the superintendent of public instruction, the provision of Chapter 58, Laws of 1911, to this effect, taking precedence over any and all prior statutes as to the disposition of such fees.—Report of Attorney General, 1913, p. 143.

#### § 10. *State Board of Examiners.*

1. The Superintendent of Public Instruction shall appoint not more than nine professional teachers whose duty it shall be to prepare questions for all State examinations.

2. The Superintendent of Public Instruction shall also appoint on the second Monday in June and December of each year, for the examination immediately following such appointment, such a number of professional teachers, as he may deem necessary, whose duty it shall be to grade, under his direction, all manuscripts for State papers.

3. The appointees provided for in subdivisions 1 and 2 of this section shall be known as the State Board of Examiners.

4. The Superintendent of Public Instruction is further empowered to appoint a sufficient number of persons to perform the clerical work required to carry out the provisions of this act except the work provided for in Section 40.

5. Each member of the State Board of Examiners shall receive for his services the sum of five dollars (\$5.00) per day for each day actually employed, which time shall be certified to by the Superintendent of Public Instruction, and all such claims shall be paid out of the State Board of Examiners' Fund only on warrants of the Secretary of State, based on duly verified claims as other claims are paid, and all claims for clerical assistance shall be paid in the same manner as the claims for the State Board of Examiners; *provided*, that the amount of such claims shall not exceed the amount of the State Board of Examiners' Fund in the State treasury. [L. 1911, Ch. 58, p. 87, § 5.]

#### § 11. *Life State Certificates.*

1. A life State certificate, valid throughout the State for life, shall be granted to an applicant who has had at least sixty months (60) of successful teaching experience, not less than fifteen (15) of which shall have been in this State, and shall pass an examination before the State Board of Examiners with a general average of not less than eighty-five per cent and shall not fall below seventy per cent in any one of the following subjects: Arithmetic, writing, orthography, reading, physiology, school law, civil government, grammar,



geography, theory and practice of teaching, U. S. history, psychology, American literature, English literature, algebra, physical geography, plane geometry, botany, physics, book-keeping, composition, general history, geology and history of education.

2. A holder of a five-year State certificate secured in accordance with the provisions of Section 12 shall be allowed to secure a life State certificate by taking an examination before the State Board of Examiners in the following subjects: Plane geometry, botany, physics, bookkeeping, general history, geology, history of education, and English literature. [L. 1911, Ch. 58, p. 88, § 6.]

### § 12. *Five-Year State Certificates.*

1. A five-year State certificate, valid throughout the State for five years, shall be issued to an applicant who has taught at least twelve school months with approved success and who shall pass an examination before the State Board of Examiners with a general average of not less than eighty-five per cent and shall not fall below seventy per cent in any one of the following subjects: Writing, orthography, arithmetic, physiology, grammar, geography, theory and practice of teaching, reading, U. S. history, civil government, school law, psychology, American literature, algebra, physical geography and composition.

### *Renewals.*

2. A five-year State certificate may be renewed when the holder thereof has attended an institution of higher education for thirty-two consecutive weeks within six years from the date of issue of such certificate and when satisfactory work has been done in such institution in at least four subjects, one of which shall be education, which work shall be certified to by the president of such institution; *provided*, that any five-year State certificate, so renewed, may be again renewed in the same manner as the original certificate was renewed. [L. 1911, Ch. 58, p. 88, § 7.]

### § 13. *Primary Five-Year State Certificates.*

1. A primary five-year State certificate, valid throughout the State for five years in the first, second and third grades, only shall be granted to an applicant who has had at least twelve months of successful teaching experience in this State and shall pass an examination before the State Board of Examiners with a general average of not less than eighty-five per cent and shall not fall below seventy per cent in any one of the following



subjects: Methods in reading, methods in arithmetic, methods in language, methods in geography, theory and practice of teaching, writing, orthography, physiology, psychology, and in addition thereto, shall write a thesis on an educational subject selected from a list prepared by the Superintendent of Public Instruction.

### *Renewals.*

2. A primary five-year certificate may be renewed when the holder thereof has

(a) Attended an institution of higher education for thirty-two consecutive weeks within six years from the date of issue of such certificate, and when satisfactory work has been done in such institution or school in at least four subjects, one of which shall be education, which work shall be certified to by the president of such institution or school.

(b) Or, taught for not less than thirty-two months with approved success during the life of the certificate.

(c) A primary five-year State certificate so renewed may be again renewed in the same manner as the original certificate was renewed. [L. 1911, Ch. 58, p. 89, § 8.]

### § 14. *One-Year State Certificates.*

A one-year State certificate may be secured in the following manner:

#### *By Examination.*

1. A one-year State certificate, valid throughout the State for one year, shall be granted to an applicant who shall pass an examination before the State Board of Examiners with a general average of not less than seventy-five per cent and shall not fall below sixty per cent in any one of the following subjects: Arithmetic, civil government, geography, grammar, history, orthography, physical geography, reading, school law, theory and practice of teaching, and writing.

2. A one-year State certificate shall be granted without examination to applicants who have completed four years' work in an accredited high school or other accredited institution; *provided*, that the applicant shall have completed the teachers' training course in such high school or institution as provided for in this act. A one-year State certificate may be renewed only once when the holder thereof has presented satisfactory evidence of having successfully taught six months' school during the life of such certificate. [L. 1911, Ch. 58, p. 89, § 9.]

§ 15. *Certificates on Graduation from Standard Colleges or Universities.*

Certificates shall be issued to graduates from standard colleges or universities who have completed one hundred and twenty (120) semester hours, including fifteen (15) semester hours in education as follows:

1. One-year State certificates shall be issued, without examination, upon application, to such graduates of standard colleges and universities, authorizing them to teach only in the high schools of this State.

2. The holder of a one-year State certificate issued in accordance with the provisions of this section shall, after six months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive, without examination, a five-year State certificate authorizing him to teach only in the high schools of this State.

3. The holder of a five-year State certificate issued in accordance with the provisions of this section shall, after thirty months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive, without examination, a State life certificate authorizing him to teach only in the high schools of this State.

4. The holder of a one-year State certificate, or a five-year State certificate, or a life State certificate, secured in accordance with the provisions of this section is hereby authorized to act as a city superintendent of schools of any city. [L. 1911, Ch. 58, p. 90, § 10.]

§ 16. *Certificates on Graduation from Non-Standard Colleges or Universities.*

(a) A one-year certificate authorizing the holder to teach only in the high schools of this State shall be issued to a graduate of a non-standard college or university, who has completed 120 semester hours in said college or university, above the twelfth grade of the elementary and the secondary schools, who shall pass an examination before the State Board of Examiners with a general average of not less than 85 per cent and shall not fall below 70 per cent in any 10 of the following subjects: Algebra, American literature, English literature, psychology, physical geography, plane geometry, botany, physics, chemistry, composition, general history, geology, history of education; *provided*, that an examination upon any one of the subjects named herein, may



be taken at any regular examination, given by the State Board of Examiners.

(b) The holder of a one-year State certificate issued in accordance with the provisions of this section shall, after six months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive, without examination, a five-year State certificate authorizing him to teach only in the high schools of this State.

(c) The holder of a five-year State certificate issued in accordance with the provisions of this section shall after 30 months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive without examination, a State life certificate authorizing him to teach only in the high schools of this State.

(d) It shall be unlawful for the holder of any certificate, issued under the provisions of this section, to teach any subject in any high school in this State, in which he has not passed a satisfactory examination before the State Board of Examiners, and if any teacher violates a provision of this section the certificate of said teacher shall be revoked by the authority issuing the same. [L. 1913, Ch. 170, p. 297, § 2.]

### § 17. *Certificates on Graduation—Normal Schools.*

Certificates shall be issued to graduates from standard normal schools as follows:

1. One-year State certificates shall be issued, without examination, upon application, to such graduates of standard normal schools, authorizing them to teach in any grammar school or in any one-year, two-year, or three-year high school in Oregon.

2. The holder of a one-year State certificate, issued in accordance with the provisions of this section, shall, after six months' successful teaching experience in this State, and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive a five-year State certificate without examination, authorizing him to teach in any grammar school or in any one-year, two-year, or three-year high school in Oregon.

3. The holder of a five-year State certificate, issued in accordance with the provisions of this section, shall, after thirty months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive a life State certificate authorizing him to teach in any grammar school or

in any one-year, two-year, or three-year high school in Oregon; *provided*, that he shall receive a life State certificate authorizing him to teach in any of the schools of this State upon the completion of two years of work in a standard college or university; *provided*, that, if at any time the course of study of the Oregon Normal School meets the requirements of standard colleges, then the graduate of the standard college course of the Oregon Normal School shall receive a life State certificate entitling him to teach in any school in this State.

4. The holder of a one-year State certificate, or a five-year State certificate, or a life State certificate, secured in accordance with the provisions of this section is hereby authorized to act as a city superintendent of schools of any city in this State.

*Standard Normal School Defined.*

5. By a standard normal school is meant a school meeting the following requirements:

(a) For entrance, four years' work above the eighth grade in a secondary school.

(b) For graduation, two years' additional work, including a thorough review of the common branches and training in a practice school.

(c) The maintenance of a well-equipped training school for observation and practice, such school to cover work in the eight elementary grades.

(d) The total attendance in the secondary school and in the normal school shall be two hundred and sixteen (216) weeks above the eighth grade; *provided*, that any normal school may accept satisfactory credits covering twenty weeks above the eighth grade. [L. 1911, Ch. 58, p. 90, § 11.]

A teacher who held a normal school diploma, but failed to teach the required six years in order to be granted a State life diploma, and said normal diploma having expired, is not now entitled to the State life diploma under the present law of this State.—Report of Attorney General, 1913, p. 122.

§ 18. *The Standardizing of Colleges, Universities, and Normal Schools.*

A standard college, university, or normal school is one that shall be standardized by the United States Bureau of Education of Washington, D. C. In case of the failure of the said bureau to prepare a list of standardized colleges, universities and normal schools, or to pass upon the standard of any college, university or normal school of Oregon, a board for such standardization composed of the president of the University of Oregon, the president of the Oregon Agricultural College, the president of the Oregon Normal School, the city superintendent of the largest city in the State, one person



selected by the Independent College Presidents' Association of Oregon, one person selected by the Catholic Educational Association of Oregon, and the Superintendent of Public Instruction, shall meet from time to time in the State House at Salem, Oregon, upon the call of the Superintendent of Public Instruction and shall prepare a list of the educational institutions of Oregon which in the judgment of the board shall be recognized as the standard colleges and universities of Oregon, and shall pass upon the standard of any college, university, or normal school of other states seeking recognition in this State. [L. 1911, Ch. 58, p. 91, § 12.]

§ 19. *President Shall File Affidavit.*

When a school has been standardized in accordance with the provisions of Sections 15, 17 and 18, the president of such school shall, on or before the first day of July of each year, file with the Superintendent of Public Instruction a sworn statement, on blanks furnished by the Superintendent of Public Instruction for that purpose, that all of the provisions of standardization as provided for in this act have been fully complied with before the graduates of the school for the preceding school year shall be entitled to receive any certificate in accordance with the provisions of this section. [L. 1911, Ch. 58, p. 92, § 13.]

§ 20. *Special Certificates.*

The Superintendent of Public Instruction may, at his discretion, issue a certificate, without examination, to teach in any one or more of the following subjects: Library, music, agriculture, art, manual training, penmanship, kindergarten, domestic science and domestic art, typewriting, stenography, bookkeeping, physical culture, Latin and German, which certificate entitles [the] holder thereof to teach the subject therein named in any school in this State, unless revoked for cause. The Superintendent of Public Instruction before issuing the same shall receive satisfactory evidence of the applicants' fitness to teach the subject named in the certificate. [L. 1913, Ch. 170, p. 297, § 1.]

§ 21. *Qualifications of High School Teachers.*

Any teacher employed in a four-year high school of this State except as otherwise provided for by this act, shall be a graduate of some standard college or university as defined by this act, or shall be the holder of a life State certificate or state diploma secured by examination before the State department; *provided*, that this section shall not be construed to deprive the holder of



a teacher's life certificate or diploma now in full force and effect in this State from the right to teach in any high school in this State; *provided, further*, that the holder of a certificate secured in accordance with Section 17 is hereby authorized to teach the teachers' training course, as provided in Section 44, in any high school of this State. [L. 1911, Ch. 58, p. 92, § 15.]

All teachers holding certificates granted by authority of the State, are authorized to teach in high schools having a course of less than four years, while in four-year high schools, only teachers who have graduated from a standard college or university, as defined in the statute, or hold a State life certificate or diploma, may be employed.—Report of Attorney General, 1913, p. 424.

## § 22. *Temporary County Certificates.*

A temporary county certificate may be issued by the county superintendent in case of necessity, valid only in the county where issued until the next regular public examination held by the county superintendent for such county, to a holder of a certificate valid in any other state, when the applicant for the same shall present satisfactory testimonials of good character and success as a teacher; but no permit shall be issued to any person not holding a valid certificate as herein set forth, except on a written examination equivalent to that required for a one-year State certificate, except in Oregon school law. Only one temporary certificate shall be issued to any applicant within the State within a period of three years, and issuance of the same shall be immediately reported to the Superintendent of Public Instruction. [L. 1911, Ch. 58, p. 92, § 16.]

## § 23. *Districts Having More Than One Hundred Thousand People.*

The school board in districts having more than 100,000 people shall have the power to create a board of examiners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which said district may be located shall be *ex-officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided further*, that the holder of a valid certificate may be employed without further examination at the option of the board. [L. 1911, Ch. 58, p. 93, § 17.]

## § 24. *Registration of Certificates.*

1. All certificates issued by the Superintendent of Public Instruction shall be valid and entitle the holder thereof to teach in any district in any county of the State upon being registered annually by the county superintendent thereof,

which fact shall be evidenced by him on the certificate in the words "Registered for use in ..... County," together with the date of registry, and his official signature; *provided*, that a copy of the certificate or diploma duly certified by the Superintendent of Public Instruction may be used for the purpose of registry and endorsement in lieu of the original, but no certificate shall be registered in a county until the county superintendent has satisfied himself that the applicant has done the reading circle work prescribed by the State Superintendent of Public Instruction for the teachers of the State for the previous year and such registration shall entitle said teacher to teach in said county; *provided*, that the registration and reading circle work required in this subdivision shall not apply to districts of the first class; *provided, further*, that it is hereby made the duty of the Superintendent of Public Instruction to prepare a teachers' reading circle course for teachers as provided for in this section and also to formulate rules and regulations governing the same.

2. The school clerk of any district of the first class shall on or before the third Monday in September in each year, file with the county superintendent of his county a complete list of all teachers employed in his district for the current school year, the name, date, grade and expiration of all certificates held by such teachers; and whenever an additional teacher is employed, he shall within five days report such facts in like manner. [L. 1911, Ch. 58, p. 93, § 18.]

§ 25. *Credits of Ninety Per Cent or Over.*

Any person who receives credits of ninety per cent or over in any subject or subjects at any regular teachers' examination in this State shall not be required to take an examination again in such subject or subjects in order to receive any certificate for which the applicant may be eligible to apply; *provided*, that the credits so earned shall be forfeited should the person cease to be actually engaged in educational work for a consecutive period of three years. The holder of any common school certificate shall be entitled to write on one or more subjects at any examination for the purpose of securing credits; and when sufficient credits have been earned the proper certificate shall be issued. [L. 1911, Ch. 58, p. 94, § 19.]

§ 26. *Age.*

No person who is less than eighteen years of age shall receive a certificate to teach in the State of Oregon. [L. 1911, Ch. 58, p. 94, § 20.]



§ 27. *Recommendations.*

No teacher's certificate shall be issued to any person who shall not file with the examiners satisfactory evidence of good moral character, personal fitness, and such other facts as the Superintendent of Public Instruction may require. [L. 1911, Ch. 58, p. 94, § 21.]

§ 28. *Elementary School and Training Course Defined.*

Definition of terms used in this act: (a) Elementary school is one having one or more grades below high school grades; (b) elementary teachers' training course is one that shall meet all of the following requirements: (1) shall consist of a continuous term of at least six weeks; (2) shall be given only by the governing board of a four-year high school, a standard normal school or a chartered educational institution of collegiate or university grade; (3) shall consist of the following course of studies: methods in reading, methods in language, methods in arithmetic, theory and practice of teaching, elementary agriculture; (4) there shall be given to each subject at least thirty-five periods of forty-five minutes each; (5) at least one teacher shall devote not less than four hours each day to the elementary teachers' training course, and such teacher or teachers shall have been graduated from a standard normal school or its equivalent, which equivalency shall be passed upon by the Superintendent of Public Instruction. [L. 1913, Ch. 165, p. 292, § 1.]

§ 29. *Size of Class.*

No elementary teachers' training course class shall be organized with less than eight pupils. [L. 1913, Ch. 165, p. 292, § 2.]

§ 30. *Requirements for Admission.*

No person shall be admitted to an elementary teachers' training course who shall not have completed the second high school year or its equivalent, which equivalency shall be determined by the Superintendent of Public Instruction. [L. 1913, Ch. 165, p. 292, § 3.]

§ 31. *Training Course Necessary.*

No certificate to teach in any elementary school shall be issued to any person unless such person has completed an elementary teachers' training course, or its equivalent, which equivalency shall be determined by the Superintendent of Public Instruction. [L. 1913, Ch. 165, p. 292, § 4.]

§ 32. *Provisions Are Supplemental.*

The provisions of Section 31 shall be construed as supplementary and additional to the requirements provided for in Sections 6, 7, 8 and 9 of Chapter 58 of the General Laws of Oregon, 1911, but shall not be construed as changing in any way the provisions of Sections 10, 11, 14, 15 and 17 of Chapter 58, General Laws of Oregon, 1911. [L. 1913, Ch. 165, p. 292, § 5.]

§ 33. *Experienced Teachers Exempted.*

The provisions of Section 31 shall not apply to any person who has had at least six months approved public school teaching experience at the time this act takes effect. [L. 1913, Ch. 165, p. 293, § 6.]

§ 34. *Principal Shall File Statement.*

The principal of any school or institution that maintains an elementary teachers' training course shall, on or before the 1st day of September each year, file with the Superintendent of Public Instruction a sworn statement, on blanks furnished by the Superintendent of Public Instruction for that purpose, to the effect that all the provisions governing such elementary teachers' training course have been complied with. [L. 1913, Ch. 165, p. 293, § 7.]

§ 35. *To Take Effect, When.*

The provisions of this act shall be in full force and effect from and after September 1, 1915. [L. 1913, Ch. 165, p. 293, § 8.]

§ 36. *Conflicting Acts Repealed.*

All acts and parts of acts that conflict herewith are hereby repealed. [L. 1913, Ch. 165, p. 293, § 9.]

§ 37. *Revocation, Cause For.*

Any certificate to teach named in this act may be revoked by the authority authorized to grant the same upon the written complaint of any county superintendent, for immorality, intemperance, crime against the law of the State, or gross neglect of duty, after the defendant is given an opportunity to be heard. In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. [L. 1911, Ch. 58, p. 94, § 22.]



§ 38. *Revocation, Manner of Proceeding.*

Any teacher whose certificate to teach has been revoked, as provided in the preceding sections of this act and feeling aggrieved at such revocation, shall have the following right of appeal:

1. To the Superintendent of Public Instruction whenever the certificate has been revoked by the county superintendent.

2. To the State Board of Education when the certificate has been revoked by the Superintendent of Public Instruction.

3. An appeal under the provisions of this act to the State Superintendent shall operate as a stay of such revocation for a period of thirty days, and an appeal to the State Board of Education shall operate as a stay of proceeding till the next regular or special meeting of said board. [L. 1911, Ch. 58, p. 94, § 23.]

§ 39. *Examination—Applicant May Teach Until Notified.*

An examination for the certification of teachers of the State of Oregon shall be held at the county seat of each county on the third Wednesday in June and December of each year, commencing at 9 o'clock and continuing three days; *provided*, that any person taking any examination shall be authorized to teach until notified of the result of such examination. [L. 1911, Ch. 58, p. 94, § 24.]

§ 40. *Examinations—How Conducted.*

All examinations shall be conducted by the county superintendent in accordance with the rules and regulations prescribed by the Superintendent of Public Instruction, who may appoint one or more persons to assist him in conducting the examinations. The assistants shall receive the sum of three dollars (\$3.00) per day for the time actually employed. Any claim for compensation for services under this section shall be certified to by the county superintendent and audited by the county court and paid out of the general fund of the county. [L. 1911, Ch. 58, p. 95, § 25.]

§ 41. *County Superintendent Shall Transmit Manuscripts.*

The county superintendent shall within three days following the close of the examination provided for in Sections 39 and 40 transmit to the State Superintendent of Public Instruction all papers written at such examination, together with the fees collected and such reports as shall by him be required. The Superintendent of Public Instruction shall keep all manuscripts on file for a period of at least one year. [L. 1911, Ch. 58, p. 95, § 26.]



§ 42. *Credit for Teaching Experience.*

In computing the total grades secured by an applicant for any grade of certificate the Superintendent of Public Instruction may, at his discretion, add, for successful teaching experience, ten credits each to any grade secured by the applicant in two subjects. Such successful teaching experience to be certified to by the county school superintendent of the county in which the applicant last taught. [L. 1911, Ch. 58, p. 95, § 27.]

§ 43. *Recognition of Certificates and Credits From Other States.*

Credits secured upon examination by State authorities from other states shall be accepted by the Superintendent of Public Instruction when secured in accordance with the following requirements:

1. When obtained by examination for the corresponding grade of certificate; *provided*, the examination questions were prepared and answer-papers were graded by the State department of education, the standing received in other states shall be accepted subject for subject; *provided*, that the passing standing shall not be less than eighty per cent in any one subject; *provided further*, that in determining the corresponding grade of certificate this recognition of credits shall apply to any certificate regardless of territorial restrictions in the state wherein such certificate was issued.

2. Equivalent credits for any subject or subjects may be accepted at the discretion of the Superintendent of Public Instruction of Oregon.

3. Credits for successful teaching experience may be allowed in accordance with the regulations in force in this State.

4. Certificates or credits subject to interstate recognition shall enjoy the same privileges as similar certificates or diplomas in this State subject to the experience requirements of this State. [L. 1911, Ch. 58, p. 95, § 28.]

§ 44. *Teachers' Training Course.*

The term teachers' training course as used in Section 14 means one that shall fully meet all of the following requirements:

1. At least one teacher shall devote not less than four hours each day to the teachers' training course, and such teacher or teachers shall have been graduated from a standard normal school or its equivalent, which equivalency shall be passed upon by the Superintendent of Public Instruction.

2. At least two teachers exclusive of the city superintendent shall give their entire time to instruction in subjects above grammar school subjects.

3. The training course shall be given in the tenth, eleventh, and twelfth grades; *provided*, the county superintendent may, at his discretion, admit other pupils to this course.

4. The course in teachers' training shall be elective, and shall consist of the three following lines of study:

(a) A review of at least nine weeks in each of the following subjects: Reading, grammar, arithmetic and geography. This work shall include subject matter, underlying principles and methods of teaching, and should enable the student to approach the subject from the standpoint of teacher as well as that of student.

(b) A study of American history.

(c) At least twenty periods of professional training to include a study of methods, school management, and observation work.

5. Schools offering this course shall have a reference library of at least three volumes on each of the following fields of professional study: History of education, principles of education, methods and special training in industrial education including agriculture.

6. In case elementary agriculture is not in the regular course of study it shall be required in the teachers' training course.

7. No teachers' training class shall be organized in any school with less than eight pupils, and every scholar admitted to such class shall continue under instruction not less than thirty-two weeks in order to be counted in such teachers' training class.

8. The class shall spend at least one hour a day for at least sixteen weeks in observation, and practice work, where the latter is practicable.

9. The class shall complete such other work as the Superintendent of Public Instruction may require.

10. *Provided*, that not more than three units on the basis of sixteen units required for graduation shall be given the teachers' training course.

11. The principal of any school or institution that maintains a teachers' training class shall on or before the first day of July of each year, file with the Superintendent of Public Instruction a sworn statement on blanks furnished by the Superintendent of Public Instruction for that purpose to the effect that all of the provisions governing such training class as provided for in this section or in the State course of study have been complied with. [L. 1911, Ch. 58, p. 96, § 29.]



§ 45. *State Superintendent Shall Employ Agricultural Assistants.*

The State Superintendent of Public Instruction is hereby authorized to employ two assistants, whose duty it shall be to travel throughout the counties of the State and supervise and promote the development of industrial work in the public schools, including such subjects as agriculture, manual training and home economics, and promote industrial school fairs and school garden contests in conjunction with such instruction, under the direction of the State Superintendent of Public Instruction and in co-operation with the said State Agricultural College; and, so far as practicable, in accordance with the views and wishes of the respective superintendents of public instruction of the several counties; and for the purpose of defraying the salaries and traveling expenses of such assistants, and other expenses incident to their work, there is hereby appropriated the sum of six thousand dollars (\$6,000) per annum; the same to be paid out of any moneys in the general fund of the State not otherwise appropriated, commencing with the first day of January, 1913. [L. 1913, Ch. 110, p. 186, § 7.]

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## CHAPTER II.

### STATE BOARD OF EDUCATION.

§ 46. *State Board, How Constituted.*

The Governor, Secretary of State, and Superintendent of Public Instruction shall constitute a State Board of Education. [L. O. L. § 3948.]

§ 47. *Meetings of—Printing for.*

The meetings of the board shall be held semi-annually, at the State Capitol, on the first Monday in January and July. All needed stationery for the use of the board shall be furnished by the Secretary of State, and any printing authorized by the board shall be done by the State Printer, at rates allowed by law for other State work. [L. O. L. § 3949.]

§ 48. *Powers Enumerated.*

The board shall have power:

*Authorize Text-Books.*

1. To authorize such series of text-books to be used in the public schools as shall be adopted by the text-book commission.

*Prepare Course of Study.*

2. To prepare a State course of studies for grammar grade schools. The Secretary of State shall cause the courses of study to be printed, and the State Superintendent shall send copies of the same to the various county superintendents, who shall properly distribute them to the boards of directors of the several districts, for use in public school work.

*Prescribe Rules.*

3. To prescribe a series of rules and regulations for the general government of public schools, and for the maintenance of discipline therein.

4. To use a common seal.

5. To order any printing that may be necessary to carry into effect the provisions of this act, said printing to be done by the State Printer. [L. O. L. § 3950.]

§ 49. *State Board Shall Indicate Sources for Questions on Theory and Practice.*

It shall be the duty of the State Board of Education to indicate, at least one year before any examination for a county certificate, the sources from which at least sixty per cent of the questions in theory and practice will be selected by said board for said examination. [L. O. L. § 3989.]

§ 50. *Publication of Proceedings.*

The proceedings of each session of the State Board of Education shall be published for general distribution, containing in addition to the ordinary proceedings, the names of the successful applicants and the certificates granted. [L. O. L. § 3959.]

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## CHAPTER III.

### COUNTY SCHOOL SUPERINTENDENT. ....

(a) ELECTION, TERM, QUALIFICATION, AND SALARY.

§ 51. *County Superintendent—Election—Term of Office.*

There shall be elected by the legal voters of each county at the biennial election in the year 1900, and every four years thereafter, a county school superintendent, who shall take his office on the first Monday in August following his election. He shall hold his office for four years, and until his successor is chosen and qualified; but the present office of the county



superintendent of schools is not affected by this section until the election in the year 1900. No person shall be eligible to the office of county school superintendent who has not, at the time of his election or appointment, taught in the schools of the State at least nine school months, and who does not hold a first grade county certificate, a state diploma, or a State certificate in Oregon; and no county clerk shall place the name of a candidate for the office of county school superintendent on an official ballot unless said candidate shall furnish proof to such county clerk that said candidate has taught in the State for nine school months and also holds one of the certificates as provided for in this act. [L. O. L. § 3960.]

By an amendment to Section 14, of Article II of the Constitution of the State of Oregon, the terms of office of the county school superintendents will begin the first Monday in January, after the regular biennial election every four years.

§ 52. *Oath of Office—Disposition of Fees Collected.*

1. The superintendent-elect shall qualify on or before the first Monday in August, by taking an oath to support the Constitution of the United States and of the State of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county. [L. O. L. § 3961.]

2. The county school superintendent shall not be entitled to any fees of any kind or nature, but shall turn over all fees received by him, as by law provided, from all sources to the county treasurer on the last day of each month, taking his receipt in duplicate therefor, and shall immediately file the duplicate receipt with the county clerk. [L. O. L. § 3962.]

§ 53. *Salaries of County School Superintendents.*

County superintendents of the several counties shall receive as compensation for their services the following annual salaries, payable in the same manner as the salaries of other county officers are paid, and they shall receive no other compensation whatever. [L. O. L. § 3963.]

Baker County, \$1,500. The county school superintendent shall make out quarterly a statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$400 per annum. He shall make out a quarterly statement of the necessary expenses incurred for clerical assistance in his office, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum. [L. O. L. § 3963.]



## Benton County:

(a) The officers of Benton County shall receive as compensation for their services the following salaries:

(b) School superintendent, \$1,300.

(c) All actual necessary traveling expenses of any county official or deputy shall be paid by the county court in the usual manner.

(d) This act shall take effect at the expiration of the present term of office. [L. 1913, Ch. 388, p. 781, § 1.]

## Clackamas County:

(a) The county school superintendent of Clackamas County shall receive as compensation for his services an annual salary of \$1,600, payable in the same manner as the salaries of other county officers are paid.

(b) The county school superintendent shall devote on an average at least four days of each week during the months of September to May, inclusive, in supervision of the rural schools of the county.

(c) The county school superintendent of Clackamas County shall receive \$300 per annum to defray traveling expenses, which sum shall be paid at the rate of \$75 per quarter out of the general fund of the county.

(d) The county school superintendent of Clackamas County may, at his discretion, employ a clerk or stenographer whose salary shall be not to exceed \$60 per month, which salary shall be paid out of the general fund of the county. [L. 1913, Ch. 382, p. 772, §§ 1-4.]

Clatsop County, \$900. [L. O. L. § 3963.]

Columbia County: The county school superintendent of Columbia County shall receive an annual salary of \$1,300. [L. 1913, Ch. 383, p. 773, § 1.]

*Provided*, he shall not engage in teaching during the term of office. [L. O. L. § 3963.]

In a general salary bill for the officers of Columbia County, which was passed subject to a vote of the electors of the county, the salary of the county superintendent is fixed at \$1,500 a year. (L. 1913, Ch. 379, p. 770, § 1.)

Coos County, \$1,200. [L. O. L. § 3963.]

Crook County: The county officers of Crook County shall receive as compensation for their services the following salaries: County school superintendent, \$1,600. [L. 1913, Ch. 370, p. 762, § 1.]

Curry County, \$400. [L. O. L. § 3963.]

Douglas County, \$1,200. The county school superintendent is hereby authorized to employ a clerk to assist him in the performance of his duties. The portion of time said clerk shall be so employed, and his compensation when so employed, shall be

determined and fixed by the county court, but such compensation shall not exceed \$300 in any one year. [L. O. L. § 3963.]

Gilliam County: (a) That from and after the passage of this act the county school superintendent of Gilliam County shall receive an annual salary of twelve hundred dollars (\$1,200) to be paid as other county officials are paid.

(b) The said county school superintendent shall engage in no other business or occupation. [L. 1913, Ch. 371, p. 763, §§ 1-2.]

Grant County: The county school superintendent of Grant County shall receive an annual salary of twelve hundred (\$1,200) dollars and his actual and necessary traveling expenses incurred by him in the discharge of his duties. He shall submit a statement of such expenses quarterly to the county clerk for audit and allowance, and such salary and expenses shall be paid as other claims against the county; *provided*, that the payment for such expenses shall not exceed two hundred (\$200) dollars per annum. The said county school superintendent shall not, during his term of office, engage in teaching, or any other business or occupation, and shall devote his time wholly and exclusively to the duties of his office. [L. 1913, Ch. 373, p. 764, § 1.]

Harney County: The county officers of Harney County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,000, and \$300 per annum for traveling expenses. [L. 1913, Ch. 390, p. 782, § 1.]

Hood River County: The county officers of Hood River County shall receive as compensation for their services the following annual salaries: County school superintendent, \$800. [L. 1913, Ch. 390, p. 763, § 1.]

Jackson County: (a) The county officers of Jackson County shall receive as compensation for their services the following annual salaries:

(b) County school superintendent, \$1,800.

(c) The county school superintendent may, at his discretion, employ a clerk or stenographer, and shall be allowed a sum not to exceed three hundred (\$300) dollars per annum in payment for the services of such clerk or stenographer. Any claim for the services of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of the county.

(d) The county school superintendent shall make out quarterly a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the county; *provided*, that



such sum shall not exceed \$200 per annum. [L. 1913, Ch. 391, p. 783, § 2.]

Josephine County: The county officers of Josephine County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,200. [L. 1913, Ch. 375, p. 766, § 1.]

Klamath County: The county officers of Klamath County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,200.

(a) The said county school superintendent shall engage in no other business or occupation. [L. 1911, Ch. 254, p. 447, § 1.]

Lake County: The county officers of Lake County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,200. [L. 1913, Ch. 376, p. 767, § 1.]

Lane County, \$1,500. The county school superintendent of Lane County shall make out a quarterly statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum; *provided further*, that every such claim shall be verified by the county school superintendent. The county school superintendent of Lane County may, at his discretion, employ a stenographer or clerk, and shall be allowed the sum of \$500 per annum in payment for the services of such clerk or stenographer and no more; any claim for the services of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Lane County.

Lincoln County: The county officers of Lincoln County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,000. [L. 1913, Ch. 368, p. 761, § 1.]

Linn County, \$1,200. The county school superintendent may, at his discretion, employ a stenographer or clerk at a salary not exceeding \$300 per annum. The school superintendent of Linn County, Oregon, shall visit the schools taught in his county at least once every year, and shall seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools; and he shall, if necessary, secure the proper classification of pupils, enforcement of course of study, and the care and protection of school property; and he shall make out, quarterly, a statement of the necessary traveling expenses incurred by him in the discharge of his duties, which claim shall be audited and paid as are other



claims against the county; *provided*, that such sum shall not exceed \$200 per annum. [L. O. L. § 3963.]

Malheur County: The county officers of Malheur County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,000. [L. 1911, Ch. 197, p. 315, § 1.]

Marion County: The county officers of Marion county shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,500. The county school superintendent shall be allowed not to exceed the sum of \$600 for deputy hire per annum; all claims of deputies for salary or services must be approved by the county school superintendent, and the same shall be audited by the county court and paid as other claims against the county are paid. [L. 1913, Ch. 392, p. 785, § 1.]

Morrow County, \$1,200. [L. O. L. § 3963.]

Multnomah County, \$2,500. [L. O. L. § 3963.]

The county school superintendent of Multnomah County, Oregon, is hereby authorized to employ one office assistant only, at a salary of \$1,200 per annum, which salary shall be paid by said county out of the general funds of the county in monthly installments of \$100 each. [L. 1913, Ch. 334, p. 655, § 1.]

Polk County, \$1,200. [L. O. L. § 3963.]

Sherman County, \$1,000. [L. O. L. § 3963.]

Tillamook County, \$1,000. No sum shall be allowed the said superintendent for expenses or any other purposes, but the salary hereby fixed shall be in full for salary as well as expenses of every kind. [L. O. L. § 3963.]

Umatilla County, \$1,800. [L. O. L. § 3963.]

Union County, \$1,650. [L. O. L. § 3963.]

Wallowa County: The county school superintendent of Wallowa County shall receive as compensation for his services an annual salary of \$1,200, payable in the same manner as the salaries of other county officers are paid. [L. 1911, Ch. 256, p. 449, § 1.]

Wasco County, \$1,200; and in addition thereto he shall be allowed necessary expenses not to exceed the sum of \$200 per annum. [L. O. L. § 3963.]

Washington County: The county officers of Washington County shall receive as compensation for their services the following annual salaries, payable monthly: County school superintendent, \$1,200. He may, with the consent of the county court, employ an office deputy at a salary of not to exceed \$60 per month. [L. 1913, Ch. 386, p. 779, § 1.]

Wheeler County: The county school superintendent of Wheeler County shall receive an annual salary of six hundred

dollars (\$600) to be paid as other county officials are paid. [L. 1913, Ch. 367, p. 760, § 1.]

Yamhill County: The county officers of Yamhill County shall receive as compensation for their services the following annual salaries: County school superintendent, \$1,200. [L. 1911, Ch. 255, p. 448, § 1.]

#### § 54. *Traveling Expenses.*

The county superintendent shall visit the schools taught in his county at least once every year, and seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools, and he shall, if necessary, procure the proper classification of pupils, enforcement of course of study, and the care and protection of school property, and he shall make out quarterly a statement of necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the county; *provided*, that such sums shall not exceed two hundred dollars (\$200) per annum; *and provided*, that in those cases where provision is already made by law for the payment of traveling expenses of the county school superintendent, nothing additional shall be paid to said superintendent under the provisions of this section. [L. O. L. § 3993; L. 1911, Ch. 33, p. 52, § 1]

The traveling expenses of the county school superintendent, when visiting the schools taught in his County, include cost of traveling, hotel bills, and other expenses necessarily incident to his traveling around the county.—Report of Attorney General, 1913, p. 383.

#### (b) DISTRICT BOUNDARY BOARD.

#### § 55. *How Constituted—Duties.*

The superintendent and the county court, or the board of commissioners in counties where this board is a separate body, shall constitute a board for laying off his county in convenient school districts, such board to be styled the district boundary board. Said board shall make alterations and changes in the same when petitioned so to do,\* in the manner hereinafter specified; and the superintendent shall make a record showing the boundaries and numbers of all the districts in his county so established and organized. The county judge shall be *ex officio* chairman of said board, and the superintendent *ex officio* secretary; except, where the board of county commissioners is a separate body, the chairman of the board shall be chairman. The superintendent and two members of the county board shall constitute a quorum for the transaction of business. [L. O. L. § 3965.]

See note to Section 196.

\*The manner of petitioning is specified in Section 196.

The county school superintendent and the county judge and commissioners constitute a board for dividing the county into convenient school districts. Section 196 provides that the district boundary board in its discretion may, on



the petition of three or more legal voters, change or divide the districts of the county. Section 58 provides that when any organized school district shall cease to maintain a public school for two years or to contain at least six children, then all the moneys in the hands of the district clerk or board of directors shall be turned over to the district boundary board for three years thereafter, and if during that time such district shall maintain a public school therein, and shall contain at least six children, the board shall surrender the money, etc., to the directors of the district; but that on failure of the district to comply with such provisions it shall become unorganized territory and cease to be a district. *Held*, that no power being granted to the boundary board to abolish a district, the board could not change the boundaries of a district so as to leave less than six children therein, the word "discretion," as used in the statute, not meaning absolute or arbitrary power, to be exercised to the injury of another. *Nicklaus v. Goodspeed*, 56 Or. 184 (108 Pac. 135).

§ 56. *Superintendent to Give Notice of Creation or Alteration of District.*

When the district boundary board shall have established a new district, the superintendent shall notify, in writing, three of the petitioners in said district, who petitioned therefor, giving in said notice the number and boundaries thereof and when alterations are made by said board the superintendent shall notify immediately, in the manner aforesaid, the directors of all the districts concerned. [L. O. L. § 3966.]

§ 57. *Conditions to Be Observed on Establishment or Change of District.*

Whenever the district boundary board shall establish a new district or change the boundaries of existing districts, such established or change shall be made so as to keep all the territory, embraced in any corporate city or village, in one school district, but the district boundary board may include in any such school district territory not within such corporate boundaries; and said boundary board is hereby authorized to change, without the presentation of a petition, boundaries of any school district or districts so that all the territory embraced in a corporate city or village shall be in one district. [L. O. L. § 3967.]

§ 58. *Abandoned District—District Boundary Board to Take Charge.*

Whenever any duly organized school district within this State shall for any reason cease to maintain a public school for two years from any annual school meeting, or when such district shall for two years cease to contain at least six children of school age, then all moneys in the hands of the district clerk or board of directors of said district shall be turned over to the district boundary board of the county in which such district is situated, which said district boundary board shall also take charge of the school house or school houses and other property



of said district; and it shall be the duty of said district boundary board to take care of said moneys and other property of said district for the term of three years thereafter, and if, during that time, said district shall maintain a public school therein as provided by law, and shall contain at least six children of school age, then said boundary board shall surrender said moneys and other property to the legal directors of said district. If, however, said district fails to maintain a school within said three years, or if, at the end of said three years, there should not be at least six children of school age residing in said district, then said district boundary board shall sell the property of said district at public auction for the best price it can obtain, in the same manner as personal property or real estate is sold on execution, and give a bill of sale or execute a deed for the same, as the case may be, and shall apply the proceeds of such sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of any debts of said district, other than bonded indebtedness, and if any sum remains thereafter, shall pay the same to the county treasurer, who shall place the same to the credit of the county school fund of said county; and said school district shall then become disorganized and the territory embraced therein shall be considered and treated the same as other unorganized territory within the county; *provided*, that if, at any time within the three years above mentioned, the territory embraced in said district shall be annexed to one or more adjoining districts, then the district boundary board shall proceed at once to sell said property and apply the proceeds of said sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of the debts of said district, other than bonded indebtedness, and, if any sum remains thereafter, shall divide the same among the districts to which said territory has been annexed in proportion to the last assessed valuation of the various portions so annexed; *provided further*, that, if such district should be a joint district, the moneys, school house or school houses, and other property of said district shall be controlled by the district boundary board of the county in which the school house is located, and when the property has been disposed of, as provided for in this section, the net proceeds shall be apportioned between the counties concerned in proportion to the assessed valuation of the parts of the counties contained in such joint district. [L. O. L. § 3968.]

See note to Section 55, *ante*.

§ 59. *District Boundary Board May Condemn Real Property.*

Whenever it may be necessary for any school district in this State to acquire any real property for school house site or other necessary school purposes, and the owner of said real property and the board of directors of said school district can not agree upon the price to be paid therefor, and the damage for the taking thereof, if any, the district boundary board of the county in which such real property desired for school purposes lies, may and is hereby authorized, upon written request from the board of directors of such school district, to commence and prosecute in the circuit court for said county the same as other actions or suits are brought, in the name of such school district, any necessary or appropriate suit, action or proceeding for the condemnation of said real property so required for said purposes, and for the assessment of the value and the damage for the taking thereof; and the district attorney of the judicial district in which such property to be condemned lies, shall act as attorney for said district boundary board in all proceedings in the circuit court, as in other causes in which the State or county is a party or interested. The procedure in said suit, action or proceeding shall be, as far as applicable, the procedure provided for in and by the laws of this State for the condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes. [L. O. L. § 3969.]

§ 60. *Expense and Value of Land to Be Paid by District.*

The expenses of such condemnation proceedings, and the value of such real property and the damage [for] the taking thereof, shall be paid by the school district for which the real property is condemned in the same manner as other expenses for like purposes are paid. [L. O. L. § 3970.]

(c) APPORTIONMENT OF SCHOOL FUND.

§ 61. *School Fund—How Apportioned.*

The county school superintendent shall make an apportionment of the entire school fund then in the county treasury on the first Monday in October of each year, and at such other times during the year as he may deem advisable. The county school fund, collected in pursuance of the school tax levied by the county court, shall be apportioned in the following manner: In October he shall apportion \$100 to each district in his county that has reported to him as required by law. At the same time he shall apportion to each district in his county \$5.00 for each teacher employed by such district during the



twelve months immediately preceding such apportionment who has attended, for a period of at least sixteen hours, an annual county institute or State teachers' association held during the twelve months immediately preceding the time of making such apportionment. The county superintendent shall take as evidence that such district has employed a teacher or teachers who have attended an institute or association, as above described, a certificate properly signed by the secretary of such institute or association, or a certified copy thereof. It is hereby made the duty of such teacher to file with the clerk of such district a certificate, or copy thereof, as hereinbefore provided, and it shall be the duty of said clerk to file said certificate, or copy thereof, with the school superintendent of his county; *provided*, that the county school superintendent shall not credit a district with a greater number of such certificates than the whole number of rooms in operation in such district at any one time during the year. The balance of the county school funds thereafter remaining in the treasury, and any amount of such funds to be apportioned at any other time, shall be apportioned among the several districts in his county that have reported to him as required by law, in proportion to the total "number of children resident in each district between the ages of four and twenty years," as shown by the clerk's last annual report. If, at the time for making the apportionment in October, there shall not be sufficient of the county school fund to make the required \$100 to each district and the \$5.00 for each teacher employed, as hereinbefore provided, he shall apportion the whole amount of such fund, in equal sums among the several districts which have reported as required by law; and as soon thereafter as there is a sufficient amount of the county school funds on hand for that purpose, he shall apportion to each district such a sum as will make up the required \$100 and \$5.00 for that year. [L. O. L. § 3971.]

A county superintendent cannot be compelled by mandamus to make apportionment of the school fund among several districts of a county until such districts, or at least some of them, have reported as required by law; nor unless it is made to appear that there are some funds in the treasury available for that purpose. (*Booth v. Bryan*, 26 Or. 502, 38 Pac. 618.)

A school district has no vested right to the money arising from the levy of the county school tax, or interest on the irreducible State fund, until the money has been segregated and apportioned to the districts; but it has an inchoate right to the fund, and by mandamus may compel the division thereof by apportionment based on the annual census of the school clerk; but mandamus will not lie to compel a county treasurer to pay the amount apportioned to a new school district formed by division of an old one, where the alternate writ fails to show the number of children in both districts and it does not appear that the number of children in the new district were originally enrolled and enumerated in the original district. (*School Dist v. Lambert*, 28 Or. 221, 42 Pac. 221.)

### § 62. *In Joint Districts.*

In case of joint districts, the sum of \$100 herein required to be paid to each school district in a county before any part of



the county school fund is otherwise apportioned; said \$100 shall be paid to said joint district by the counties in which it lies in proportion to the total number of children of school age resident in each district between the ages of four and twenty years, as shown by the clerk's last annual report; and the \$5.00 each for teachers employed, as hereinbefore provided, shall be paid in equal proportions by each of the counties in which such district lies. [L. O. L. § 3972.]

§ 63. *Apportionment of Irreducible School Fund—Issuance of Warrants.*

On the first Monday of October of each year he shall apportion the common or irreducible school fund among the several districts in his county, in proportion to the number of children resident therein between the ages of four and twenty years. As soon as he shall have made any of the apportionments provided for in this section, he shall draw warrants on the county treasury in favor of the districts for their respective shares, and transmit the same to the clerks thereof; *provided*, that the superintendent shall not issue or transmit any such warrant to the clerk of any district until the clerk's bond shall have been received, examined, and approved by the county school superintendent, and filed by him in his office as a part of the records thereof. [L. O. L. § 3973.]

§ 64. *Basis of Apportionment.*

The basis of all apportionments shall be the last annual reports of the several district clerks on file in his office at the time of making such apportionments. [L. O. L. § 3974.]

§ 65. *Partial Apportionment.*

A county superintendent may, upon the written request of any district school board, make a partial apportionment to any district of any money due it at the time of making a regular apportionment, and apportion the remainder at the next regular apportionment; but no such partial apportionment shall be made in any way that will result in such district not applying at least eighty-five per cent of the amount received each school year on teachers' salaries as required by law. [L. O. L. § 3975.]

§ 66. *Shall Open an Account With County Treasurer.*

The county superintendent shall keep a book in which he shall open an account with the treasurer of his county; also, with the several districts. He shall charge the treasurer with all the school funds going into his hands, and when the treas-

urer shall present to him the district clerks' receipts, he shall credit the treasurer with the amount. When the superintendent shall have made any apportionment of the school funds, he shall credit each district with the amount set apart to it, and on receiving the receipt of a clerk of a district from the treasurer, he shall charge the amount to such district. [L. O. L. § 3976.]

(d) GENERAL DUTIES.

§ 67. *\*To Make Report to Superintendent of Public Instruction.*

The county superintendent shall study to awaken among parents and children a deeper interest in the public schools, so as to secure improved attendance, deportment and scholarship [of pupils] and more frequent visits of parents and school directors. He shall carefully observe the condition of the school houses and surroundings, note all defects and notify the board of directors of the same. He shall receive the reports of all the districts of his county, and shall, by the fourth Monday of July of each year, make out from the records of his office a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office. [L. O. L. § 3994.]

§ 68. *To Hear and Determine Appeals.*

The county superintendent shall hear, examine and decide appeals from district officers and teachers, without cost to the appellants, and subject to an appeal to the Superintendent of Public Instruction. [L. O. L. § 3995.]

§ 69. *To Enforce Course of Study.*

The county superintendent shall enforce the course of study for county schools prescribed by law. [L. O. L. § 3996.]

§ 70. *To Keep Record of Contracts.*

The county superintendent shall keep in a suitable book an official record of all persons under contract to teach in his county, showing the number of the school district and the date of the contract, the names of the contracting parties, the salary paid, the date of commencing school thereof, and the length of term in weeks. [L. O. L. § 3997.]

\*For duties relative to visiting schools of his county, see Section 54.



§ 71. *To Make Special Reports.*

The county superintendent shall make special report of important matters relating to the public schools in his county when necessary, and when required by the Superintendent of Public Instruction. [L. O. L. § 3998.]

§ 72. *To Consult With Board of Directors — School House Plans.*

The county superintendent shall advise and consult with boards of directors relative to the construction, warming, ventilation and arrangement of school houses; the improving and adorning of school grounds; methods of instruction and discipline in the school, and the conditions of school houses, sites, and outbuildings and appendages of the district generally. It shall be illegal for any school district of the third class to erect a school building until the plans for the same have been approved by the county superintendent of the county in which the district may be situated. [L. O. L. § 3999.]

§ 73. *To Use Uniform Blanks.*

The county superintendent shall use a uniform series of blank reports, registers, receipts, etc., which shall be prepared and furnished by the State Board of Education. [L. O. L. § 4000.]

§ 74. *To Hold Institutes.*

1. *County.*—The county superintendent shall hold annually a teachers' county institute, for a term of not less than three days, for the instruction of teachers and those desiring to teach; and all teachers in the public schools of his county shall be required to attend; and the Superintendent of Public Instruction may, at his discretion, upon a written complaint of the county superintendent, revoke the certificate, or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and co-operation of the Superintendent of Public Instruction in holding annual institutes. Every teacher attending any annual county institute held in accordance with the provisions of this act shall be given by the county superintendent a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school for not more than three days in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate herein-



before provided for shall be evidence of such attendance. If the institute is held during the session of school, the directors shall be required to grant three days' time of actual service to their teachers to attend the said institute, during which time their pay as teachers shall continue.

2. *Local*.—It shall be the duty of each county school superintendent to organize and hold annually at least three local institutes or educational meetings in various parts of his county at such times and places as he may deem expedient, and he shall secure at these meetings, so far as practicable, the attendance and co-operation of school officers, teachers and parents.

3. *Claims for Institute Service*.—All claims for defraying the expenses of such institutes shall be audited and paid as are all other claims against the county; *provided*, that the total amount paid by any county for each fiscal year shall be two dollars for each school room in operation in such county during such year; *provided further*, that if in any county this amount does not equal the sum of \$150 for each fiscal year then the county court of such county shall appropriate from the general fund of the county for defraying the expenses of such teachers' institutes the sum of \$150; *provided further*, that the total amounts allowed for claims for such expenses in any county for teachers' institutes shall not exceed \$400 each fiscal year. Should there be any balance in the institute fund at the time this act shall be in effect the county treasurer is hereby authorized and commanded to transfer such balance from the institute fund to the general fund of his county. [L. O. L. §§ 4001 and 4002; L. 1911, Ch. 58, p. 97, § 30.]

A county institute can be held on different days, regardless of whether it is one continuous session, if the adjournment is for any reasonable cause.—Report of Attorney General, 1911, p. 70.

Expenses of County Teachers' Institutes should be paid from the general fund of the county at least to the extent of \$150, which the county court is required by statute to set aside for such purpose, and there is no other fund from which the same can be paid. All claims for such expenses are audited by the County Court, and paid as other claims against the County.—Report of Attorney General, 1913, p. 399.

### § 75. *Joint Annual Institute*.

Two or more counties may, at the discretion of their respective county superintendents, unite for the purpose of holding a joint annual institute at such place as may be agreed upon by such superintendents, and all the provisions of Section 74 shall apply to such joint institute. [L. O. L. § 4003.]

### § 76. *Teachers' Training School*.

The teachers of each county may decide by a majority vote of the whole number of such teachers employed

in any county to substitute for the teachers' annual institute provided in Section 4002 of Chapter 3 of Title XXXII of Lord's Oregon Laws a training school of at least three weeks' duration to be held in the months of June, July or August, such school to be under the management and control of the county school superintendent. Such training school shall instruct in the art of teaching, methods of class work, arrangement of program and the practical work of the school room. The county school superintendent shall secure the necessary instructors and shall be assisted by the State school superintendent in so doing. The expenses of the training school shall be defrayed by a fund created from the enrollment of all teachers attending such training school, each of whom shall pay an enrollment fee of one dollar (\$1.00). If the fund so created shall be found insufficient to defray the expenses of such training school, the deficit shall be made up in the manner provided in Section four thousand and two (4002) of Lord's Oregon Laws; *provided, however*, that in case such fund created by registration, together with the fund allowed for institute purposes provided in Section 4002 aforesaid, shall still be insufficient to pay the necessary expense of such training school, then the county court shall pay such additional expense as shall be necessary out of the general fund of the county. But the whole expenditure for such training school shall not exceed double the sum now allowed for institute purposes as provided in said Section 4002. [Laws 1913, Ch. 178, p. 318, § 1.]

#### § 77. *Attendance of Teachers.*

All teachers having less than 27 months of teaching experience, eight of which shall have been in the State of Oregon, shall be required to attend the teachers training school as provided for in this act; *provided*, that graduates of an accredited normal school or persons who have completed the teachers' training course for an accredited high school or other accredited institution as provided in Chapter 58 of the Session Laws of 1911 shall be exempt from the provisions of this section. The county school superintendent may direct that any teacher who has not had normal training shall attend the training school herein provided if he deem that the welfare of the schools of his county demands it. Sickness of self or the serious illness of some member of the teacher's family shall be a valid excuse for non-attendance. Teachers required to attend the training school provided for in this act shall attend the sessions for three seasons, but the work they take shall advance for each season's attend-



ance. The county school superintendent shall issue to each teacher attending such school a certificate showing the extent and character of the work done in such school. The instruction in this school shall be free of charge to teachers attending the school. If any teacher shall fail or refuse to attend such training school when required to do so by the provisions of this act, the county school superintendent shall bring the matter to the attention of the State school superintendent who shall revoke such teacher's certificate unless a valid or reasonable excuse be given for such non-attendance. [Laws 1913, Ch. 178, p. 319, § 2.]

§ 78. *Teachers May Vote.*

The county school superintendent of any county may submit to the teachers of his county the question of substituting the training school herein provided for the annual institute. He shall in the letter calling the election include a copy of this act and a ballot upon which shall be printed the words: "Shall the training school be substituted for the annual institute," and the form vote "yes" or "no" by making a cross between the number and answer voted for.

"12 Yes."

"13 No."

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*Signature.*

The teacher shall sign his or her name at the bottom of the ballot and shall mail the same within five days to the county school superintendent. On the 15th day after the election is called the boundary board shall meet and canvass the vote. If the majority of the teachers voting and not less than 40 per cent of the whole number of the teachers in the county shall vote "yes" the training school shall be established and thereafter the annual institute shall not be held.

Also, whenever 10 teachers in the county petition the county school superintendent to call the election provided for in this act, he shall call such election. [Laws 1913, Ch. 178, p. 319, § 3.]

§ 79. *Shall Correct Report.*

The county superintendent shall examine into the correctness of the reports of the district clerk, and when a report is incorrect the county superintendent may correct or cause the clerk to correct said report, and in case the board of directors and district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby author-



ized to decide as to the correctness of the report; and the decision of said board shall be final. [L. O. L. § 4005.]

§ 80. *Report to Superintendent of Public Instruction of Mute and Blind Children.*

The county superintendent shall, by the fourth Monday of July of each year, report to the Superintendent of Public Instruction the name, age, and postoffice address of every deaf-mute and blind person in his county between the ages of five and twenty-five years, who are deaf or blind to such an extent as to be unable to acquire an education in the common schools. [L. O. L. § 4006.]

§ 81. *Plat of Counties and Office Supplies to Be Furnished.*

The county court shall provide the county superintendent with a plat of the boundaries of the several school districts of his county. The county court shall also provide the county school superintendent with all necessary blanks, blank books, stationery, telephone, postage, expressage, and other necessary requirements of his office, not otherwise provided for, the expense of which shall be paid out of the general fund of the county. [L. O. L. § 4007.]

§ 82. *Annual Report, Teachers' Monthly Reports.*

The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other [information] as will aid in efficient school supervision. Such reports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. He shall receive the reports of all districts in his county, and shall, by the fourth Monday in July of each year, make out from the records in his office a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office. [L. O. L. § 4008.]

§ 83. *Teacher Must File Certificate and Contract.*

The county superintendent shall require teachers before beginning to teach in any school district in his county to register in his office, if they have not previously done so, their county certificates or State papers, and file a copy of their contracts, and should any teacher fail so to register his or her certificate or State paper, and file a copy of his or her contract in the office of the county school superintendent before beginning to teach in any district in his

county, said teacher shall forfeit to the said district the full amount of salary for the time taught before said certificate, or State paper, or contract were so filed. The county school superintendent shall notify the clerk of said district of the amount of such forfeiture and shall deduct the amount of said forfeiture for the next apportionment due said school district. The requirements of this section shall be enforced only by the county school superintendent of the county in which the school building in which the teacher is employed shall be situated. [L. O. L. § 4009.]

§ 84. *County Superintendents' Convention.*

The county superintendent shall attend annually the county school superintendents' convention which the Superintendent of Public Instruction is hereby authorized and directed to hold, or cause to be held, annually, at such time and place as the Superintendent of Public Instruction may select. [L. O. L. § 4010.]

§ 85. *Vacancy in Office of County School Superintendent.*

In case of a vacancy in the office of county superintendent, the county court of the county shall appoint some legally qualified person to fill the unexpired term. [L. O. L. § 4011.]

§ 86. *County Superintendent May Hold School Board Conventions.*

The county school superintendent may, at his discretion, hold annually a school board convention or conventions for a term of not less than one day for the discussion of questions pertaining to the improvement of the public school system. [L. O. L. § 4012.]

§ 87. *Delegates and Expenses.*

The chairman of the school board shall be the delegate to the convention. If he is unable to attend he shall appoint a member of his board or the clerk to represent the district. Each delegate attending the convention during the entire session shall be entitled to receive two dollars out of the general fund of the county. But no such expense shall be paid until approved by the county superintendent. [L. O. L. § 4013.]

§ 88. *Compensation for Only One Convention a Year.*

No school district shall be entitled to compensation for representation for attendance at more than one convention held in the county during any one year. [L. O. L. § 4014.]



§ 89. *Records Open for Inspection.*

All officers having the custody of any State, county, school, city, or town records in this State shall furnish proper and reasonable opportunities for the inspection and examination of the records and files in their respective offices, and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose; *provided*, that the custodian of said records and files may make such reasonable rules and regulations as shall be necessary for the protection of said records and files, and to prevent the interference with the regular discharge of the duties of such officer. [L. O. L. 740.]

§ 90. *County Educational Board; How Created; Compensation.*

There is hereby created in every county of the State of Oregon containing more than sixty school districts a county educational board consisting of the county school superintendent who shall be *ex-officio* chairman of the board and four members appointed by the county school superintendent. The county school superintendent of each county having more than sixty school districts shall appoint on or before June 1, 1911, and every four years thereafter, four persons to act as members of the county educational board who shall serve for four years or until their successors have qualified. They shall receive no compensation for any services as members of the county educational board; *provided, however*, that the necessary traveling expenses of each member incurred in the discharge of his duties shall be audited and paid as are other claims against the county; *provided further*, that the annual expenses of each member shall not exceed twenty-five (\$25) dollars. [L. 1911, Ch. 79, p. 119, § 1.]

§ 91. *Qualifications of Members of County Educational Board.*

No person shall act as a member of the county educational board who is not a legal school voter of the county for which he is appointed, and no person shall act as a member of the board who holds any other county office, excepting the county school superintendent. [L. 1911, Ch. 79, p. 119, § 2.]

§ 92. *Organization of Board; Division of County into Supervisory Districts.*

On the first Monday in June, 1911, the county educational board of each county having more than sixty school districts in the State of Oregon shall meet and organize by electing one of their members secretary, and proceed to divide



all the school districts of the county, excepting the districts of the first class, into supervisory districts, but no supervisory district shall contain less than twenty (20) nor more than fifty (50) school districts. On the first Monday in June, in any year thereafter, the county educational board may meet and resubdivide its county into supervisory districts, but no supervisory district shall contain less than twenty (20) nor more than fifty (50) school districts; *provided*, that the county school superintendent shall be counted as supervisor for one supervisory district. [L. 1911, Ch. 79, p. 119, § 3.]

§ 93. *Duties of County Educational Board.*

The duties of the county educational board in regard to the supervisory district shall be as follows:

1. To employ supervisors, other than the county school superintendent, which supervisors shall be employed for not less than ten months each year, at not less than one hundred (\$100) dollars nor more than \$120 per month.

2. To make a contract with the supervisor which contract shall be made in triplicate; one copy to be kept on file in the office of the county school superintendent; one to be given to the supervisor; and one to be filed with the county clerk.

3. To provide the supervisor with necessary books, blanks, stationery and postage.

4. To make such rules and regulations as in their judgment they deem necessary for the government of the supervisors; *provided*, they are in conformity with the rules and regulations of the State Board of Education.

5. To act as an advisory board to the county school superintendent and to aid him in the holding of educational meetings throughout the county. [L. 1911, Ch. 79, p. 120, § 4.]

§ 94. *Salary and Expenses of Supervisors; How Paid.*

The county court shall audit the claims of the supervisors for salary and other expenses incurred in the discharge of their duties, which claims when properly certified to by the chairman of the county educational board shall be paid by the county treasurer out of the general fund of the county in the same manner as the claims of other county officers are allowed and paid. [L. 1911, Ch. 79, p. 120, § 5.]

§ 95. *Duties of Supervisors.*

The duties of supervisors shall be as follows:

1. To work under the direction of the county school superintendent and to attend such meetings as he may call.

2. To devote his entire time to supervising the schools in the supervisory district for which he is employed, whenever any of the schools in his district are in session.

3. To enforce the course of study prescribed by the State Board of Education.

4. To make a written report at the end of each school month to the county school superintendent upon the general conditions of each school in his supervisory district. [L. 1911, Ch. 79, p. 120, § 6.]

#### § 96. *Qualifications of Supervisors.*

No person shall be eligible to the office of supervisor who does not hold at the time of his appointment a teacher's certificate valid in the State of Oregon, and shall have taught school within the State of Oregon for at least nine months. [L. 1911, Ch. 79, p. 120, § 7.]

A school supervisor under the provisions of the school laws of 1911, must hold at the time of his appointment, a teacher's certificate, valid in the State of Oregon, and shall have taught school within the State of Oregon for at least nine months. The issuance to him of a temporary certificate, without examination, does not comply with said requirement. Such supervisor is required to devote his entire time to supervising the schools within his district whenever any of such schools are in session. A supervisor may be a director of a school district.—Report of Attorney General, 1913, p. 144.

#### § 97. *Official Bond of County Superintendent.*

He shall before he enters upon the discharge of his duties give to the county court an official bond, in such sum as the county court may direct, conditioned that he will faithfully and honestly perform all the duties required of him by this act. [L. O. L. 3964.]

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## CHAPTER IV.

### TEACHERS.

#### § 98. *Duties of Teachers Enumerated.*

A teacher's duty, while in charge of a school, shall be as follows:

1. To maintain order in school and conduct himself in such a manner before his school as to command the respect of his pupils.

#### *Commencing and Closing of Day's School.*

2. To commence school at 9 o'clock A. M. and to close at 4 o'clock P. M. of each day, giving one hour for recreation at



noon; *provided*, that the directors may order a less number of hours.

A board of directors of a district maintaining a high school, may change the hours of required attendance to eight-twenty a. m. to one p. m., without intermission, instead of nine a. m. to four p. m., being within the discretion of the board.—Report of Attorney General, 1913, p. 256.

*Shall Teach Physiology and Hygiene.*

3. To labor during school hours to advance the pupils in their studies; to create in their minds a desire for knowledge, principle, morality, politeness, cleanliness, and the preservation of physical health; and it is hereby made the duty of every teacher to give, and of every board of school directors to cause to be given, to all pupils suitable instruction in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Such instructions in physiology and hygiene shall be given orally to pupils who are below the fourth grade, and shall be given by the use of text-books to all pupils above the fourth grade, and such instruction shall be given as thoroughly to all pupils as instruction in arithmetic or geography is given. Each teacher of a public school, before leaving the school register with the school clerk, shall certify therein whether instruction has been given in the school or grade presided over by such teacher, as required by this act, and no public money shall be paid over to the treasurer of a district unless the register of such district contains a certificate of the teacher that instruction has been given in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, as required by this act.

*Must Keep a Register—Last Month's Salary May Be Withdrawn—When.*

4. Teachers shall keep a register showing the name, sex, and daily attendance of all persons attending their schools, copies of their programmes, classification of their pupils, the point in the State course of study where each class began and closed, and such other data as the State Board of Education may require, and file the same with the clerk at the close of their terms. The last month's salary shall not be paid a teacher until his register is submitted to the chairman of the board and until said officer finds, by examination, that the register has been properly kept, and enters upon the register a certificate to that effect.

NOTE.—1. The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other information as will aid in efficient school supervision. Such reports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. See Section 82.

2. The county superintendent shall require the teacher to file certificate and contract before beginning a term of school. See Section 83.



*Temperature and Ventilation.*

5. Every public school teacher shall give vigilant attention to the temperature and ventilation of the school room, and shall see that the doors and windows are open at each intermission for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recess, but he shall strictly prohibit all dangerous and immoral games and amusements.

*May Dismiss Younger Pupils, When.*

6. The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours' session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the school room shall not exceed three hours and a half per day.

*Noon Intermission.*

7. Authority is hereby granted to school boards to shorten the noon intermission, during the rainy season, to thirty minutes, and to close school at 3:30.

*Gymnastics.*

8. In all schools two exercises in free gymnastics and suitable voice and breathing exercises shall be given daily.

*Pupils Must Comply With Regulations.*

9. The pupils of the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the course of study and use the series of text-books prescribed by law; and shall submit to the authority of the teachers. Willful disobedience or open defiance of the authority of the teacher, or the use of profanity or obscene language shall constitute good cause for suspension or expulsion from school. Any pupil who shall in any way cut, deface, or otherwise injure any school house, fences, or outbuildings thereof, shall be liable to suspension and punishment, and the parents of such pupils shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the board and collected by the said board by an action therefor in any court having jurisdiction, in the name of the district, together with the costs of said action.

*Must Leave a Report in Register.*

10. Every teacher who shall leave a school before the close of a school year, shall, at time of leaving, make to the county

superintendent a report of the school for all that portion of the school year from the beginning of such school year to the time of such teacher's leaving the school, and shall at the same time give a duplicate of said report, and surrender the school register to the district clerk.

*State Certificate and Diploma Must Be Endorsed—Fee.*

11. No warrant upon the common school fund shall be drawn in favor of any teacher holding a state certificate or diploma, unless such certificate or diploma shows an endorsement signed by the county superintendent that it has been registered in his office, as required by law; *provided*,\* that no such endorsement shall be made until a fee of (\$1.00) shall be paid for the same, and all moneys so received shall be turned over to the county treasurer, who shall place said sum as a part of the county institute fund.

*Must Follow State Course of Study.*

12. To follow the State course of study prescribed by the State Board of Education.

*Copy of Programme to Be Filed.*

13. Teachers shall, at the close of each term, file with the clerk and with the county superintendent, copies of their programmes, the classification of their pupils, the point in the State course of study where each class began and closed, and such other data as the State Board of Education may require. [L. O. L. § 4117.]

*§ 99. Shall Give Notice of Resignation.*

All teachers in the public schools of this State who shall willingly violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect, shall have his or her certificate revoked by the authorities issuing same upon due notice from the school board, and shall be disqualified from teaching in the public schools of this State for the remainder of the school year; *provided*, that sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract without the notice herein required on the part of the teacher; *and provided further*, that a school

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\*The proviso relative to fee for registration is repealed by implication by Laws 1911, c. 58, § 18.



board may release a teacher from a contract by mutual agreement. [L. O. L. § 4118.]

§ 100. *Fire Drills.*

(a) It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the State, having an average daily attendance of 50 or more pupils, to instruct and train the pupils by means of drills, so that they may, in sudden emergency, be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once for each month when said schools are in session and all doors of exits shall be kept unlocked during school hours.

(b) Every teacher or instructor in every public, private or parochial school shall devote not less than 30 minutes in each month during which the school is in session, to instruction of pupils between the ages of 6 and 14 years, in fire dangers [drills].

(c) For the purpose of such instruction it shall be the duty of the State Superintendent of Public Instruction to prepare a book conveniently arranged in chapters, or lessons, such chapters or lessons to be in number sufficient to provide a different chapter or lesson for each week of the maximum school year, one of such lessons to be read by the teachers in such schools each week. The book shall be published at the expense of the State under the direction of the State school superintendent and shall be distributed in quantities sufficient to provide a copy for each teacher required by the provisions of this act to give the instruction herein provided for; the distribution to be made by the State school superintendent. [L. 1913, Ch. 177, p. 317, § 1.]

§ 101. *Penalties.*

Failure by any principal or other person in charge of any public or private school, or educational institution, to comply with the provisions of this act, shall be a misdemeanor, punishable, each offense, by fine of not more than \$20 nor less than \$5.00. [L. 1913, Ch. 178, p. 318, § 2.]



## CHAPTER V.

## DISTRICT SCHOOL BOARDS.

§ 102. *Meeting of School Boards, How Called—Chairman.*

The directors in their official capacity shall be known as the district school board, and shall hold such meetings as are necessary to transact the business of their office.

A meeting of the district school board may be called at any time by a member of the board serving a written notice on the other members and the clerk at least twenty-four hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; *provided*, that the action of such board shall not be deemed lawful unless every member shall have been duly notified.

The director who has served the longest time as such under an election shall act as chairman of district school board meetings; in the absence of the chairman the other members of the board in the order of their election may act as chairman, and in the absence of the clerk some member of the board shall act as secretary. A majority of the board shall constitute a quorum to do business. [L. O. L. § 4051.]

The statute recognizes the permanent and separate existence of the office of "chairman of the board." (Riggs v. Polk County, 95 Pac. 7.)

The "oldest in office of the directors present" means the director who has served the longest time as such under an election, and not the one who is serving the longest term by appointment to an unexpired term. (State *ex rel.* v. McKee, 20 Or. 124, 25 Pac. 292.)

§ 103. *Duties of School Boards.*

The general duties of the district school boards of the State of Oregon shall be as follows: [L. 1913, Ch. 172, p. 299 § 1.]

§ 104. *Special Meetings.*

To authorize the clerk to call special meetings. [L. 1913, Ch. 172, p. 299, § 1, subd. 1.]

§ 105. *Schools Free, to Whom.*

They shall admit free of charge to the schools of their districts all persons between the ages of 6 and 21 residing therein, and all other persons may be admitted on such terms as the district may direct. [L. 1913, Ch. 172, p. 304, § 1, subd. 18.]

§ 106. *Visit Schools—Refractory Pupils.*

They shall visit and inspect their schools from time to time, and when necessary they may exclude any refractory pupil

therefrom; the exclusion of any pupil from the school shall not extend beyond the current term. [L. 1913, Ch. 172, p. 299, § 1, subd. 2.]

§ 107. *Secret Societies Prohibited.*

Secret societies of every kind and character, including fraternities and sororities, so-called, which may now or hereafter exist among the pupils of any of the public schools of this State, including high schools, either local or county, are hereby declared unlawful. [L. O. L. § 4059.]

§ 108. *Board Must Suppress.*

It is hereby made the duty of each school board within the State to examine, from time to time, into the condition of all schools under its charge, and to suppress all secret societies therein, and for this purpose such boards are hereby authorized to suspend, or expel, from school, in their discretion, all pupils who engage in the organization or maintenance of such societies. [L. O. L. § 4060.]

§ 109. *Act Not to Apply to Colleges.*

This act shall not apply to either the State Agricultural College or the State University. [L. O. L. § 4061.]

§ 110. *Audit Claims.*

To audit all claims against the district, and to authorize the clerk to draw orders for the amount. [L. 1913, Ch. 172, p. 300, § 1, subd. 3.]

§ 111. *Shall Furnish Fuel, etc.*

They shall furnish their schools, from the common school fund, with fuel already prepared for use, chalk, janitor, brooms, blackboards, erasers, stoves, window curtains, reference books, library books and other apparatus for use in their schools; *provided*, that the sum expended for this purpose shall not exceed 15 per cent of the county school fund and the irreducible school fund apportioned to said district. [L. 1913, Ch. 172, p. 300, § 1, subd. 4.]

School district boards are required by the school law to furnish seats and desks for all the pupils in attendance upon the public school of such district and a failure to do so is a misfeasance or nonfeasance in office.—Report of Attorney General, 1909, p. 244.

§ 112. *Selection of School Site and Removal of School House.*

Whenever, in the judgment of the board, it is desirable or necessary to the welfare of the schools in the district, or



to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters of the district, the district board shall call a meeting, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange or sale of a school house site, or the erection, removal or sale of a school house. Said election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place and purpose of such meeting shall be posted in three public places in the district by the clerk at least 10 days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of the school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote; *provided*, that it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house, and such school house so removed cannot again be removed within three years from the date of such meeting. [L. 1913, Ch. 172, p. 303, § 1, subd. 14.]

The legal voters of a school district at a meeting regularly called for the purpose, may select a school site by a majority vote, if the district has no school site prior to such vote, but after a site has once been selected, it can only be changed, or a new site selected by a two-thirds majority. The selection of a site from that already in use, amounts to a removal of the school house. Where the chairman of the meeting refused to allow the electors desiring to retain the old school site, to vote for its retention, and only received a vote of those desiring to select a new site, which vote was less than two-thirds of those present and offering to vote, the vote for the new site cannot be considered as a two-thirds majority of those present and voting, and therefore does not change the site.—Report of Attorney General, 1913, p. 340.

See note to Section 273, *post*.

### § 113. *Shall Buy or Sell Property—Tax.*

If authorized by a majority vote of the legal voters present at any legally called school meeting they shall purchase, lease or build school houses, buy or lease land for school purposes, furnish school houses with furniture, lights, and apparatus, and for such purpose may, when so authorized, levy not oftener than once a year, a tax not exceeding five per cent of the value of the taxable property of the district, or issue or sell negotiable bonds as hereinafter in this act provided. They may also sell, lease or otherwise dispose of any property belonging to the district, when authorized to do so by majority vote at any legally called school meeting; *provided*, that the call for such meeting shall have stated that such sale, lease, or disposition would be one of the objects of such meeting. [L. 1913, Ch. 172, p. 300, § 1, subd. 5.]

School house sites must be selected upon vote of the legal electors of the district, and the board of directors in calling the meeting, may submit the



question as to the approval or rejection of certain sites.—Report of Attorney General, 1913, p. 89.

A school house cannot lawfully be built upon property which has been dedicated for a public park, inasmuch as such dedication is for a purpose other than school purposes, and the taking of the same for school purposes would be a diversion of the property from the purpose for which it was dedicated.—Report of Attorney General, 1913, p. 121.

A school house having been built on vacant government land, can be removed by a school district to other land after the land upon which it was built has been settled upon by a homesteader, for the reason that the school house was placed there without the intention that it should become a part of the realty, and remains the property of the district.—Report of Attorney General, 1913, p. 158.

#### § 114. *May Contract Debt, When.*

When authorized by a majority vote of the legal voters present at any legally called school meeting, they may, in the name and on behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district, for the purpose of building a school building or repair of school buildings, or for the purchase of land for school purposes, and issue negotiable interest-bearing warrants (and fix the time of payment of the same) of their district, evidencing such debt; and they may from time to time, not oftener than once a year, levy a tax on the taxable property of the district to pay the interest thereon, or principal when due, which taxes shall be collected in the same manner as other school taxes are or may be collectible by law; *provided*, that whenever a school district in this State shall make a loan, borrow money, or refund any existing debt created by a vote of the electors or by the directors in pursuance of any statute, the *bona fide* resident citizens of such district shall have the right to subscribe for such loan, and it shall be the duty of the board of directors to order an advertisement to be published, setting forth the amount of such loan, the number of years the same shall run, and the rate of interest, in a newspaper published in the district, or by posting notices in three public places, and each *bona fide* resident of such district shall have the right to subscribe once for said loan for the entire amount or any portion of the same not less than \$50 at par value, and in placing the loan the directors shall issue the same, whether it be notes, warrants, or bonds of the school district, to the smallest subscriber or subscribers first, one note, warrant, or bond to each such subscriber, upon payment of the amount subscribed in lawful money of the United States, until the entire loan has been placed; and it is *further provided*, that in case each *bona fide* resident of the district has had opportunity to subscribe for such loan and the same has not all been taken and issued to such subscribers, or in case the subscribers do not call for the same within three days after the time fixed for delivery of

the said notes, warrants or bonds of the district, the directors may permit such subscribers to make further subscriptions, in the same manner as heretofore provided in this section, until all the loan has been taken. [L. 1913, Ch. 172, p. 300, § 1, subd. 6.]

School districts may fix the rate of interest which their bonds or warrants shall bear, and they are more or less than 6 per cent. But if not so fixed, the rate of interest is 6 per cent.—Report of Attorney General, 1913, p. 130.

School bonds may be issued for repair and improvement of school buildings and grounds, but not for the purpose of paying an outstanding indebtedness not incurred for the purchase of school grounds, and the building, purchase, etc., of school houses and furnishing the same.—Report of Attorney General, 1913, p. 392.

A school district board which has not been authorized by the electors of the district to incur an indebtedness, cannot issue warrants of a district for building a school house, or other purpose aside from the current expenses of the district, upon the levy of a tax by the electors of the district in August, which is to be expended and paid upon the tax roll the following year, as that would amount to the creation of an indebtedness not authorized by the voters of the district. While they may issue warrants payable for taxes which are levied and in course of collection, without being considered as incurring an indebtedness taxes which are not yet extended on the tax roll, and which the voters of the district may re-consider at any time, would not be considered as levied and in course of collection.—Report of Attorney General, 1913, p. 403.

When a school district has reached the limit of voluntary indebtedness of 5 per cent of the taxable property of the district, it cannot incur an additional indebtedness by issuing warrants to be paid out of taxes thereafter to be raised, but if such warrants are to be paid out of funds on hand, or from taxes already levied and in process of collection, they are valid and not in excess of the limitation.—Report of Attorney General, 1913, p. 218.

A school district is not authorized to create a bonded indebtedness in excess of five per cent of its taxable property.—Report of Attorney General, 1911, p. 61.

It is not necessary to the validity of an obligation of a school district that it appear by the records of the clerk that the indebtedness does not exceed the legal limit, that matter being determinable from the assessment. (*Amort v. School District*, 48 Or. 522, 87 Pac. 761.)

The board of directors of a school district may advertise for subscriptions for the indebtedness of the district in such amounts as it may deem advisable. (*Amort v. School District*, 48 Or. 522, 87 Pac. 761.)

A vote of the electors of a district authorizing the directors to contract a greater debt than they can lawfully do is sufficient authority to incur a debt to the lawful limit. (*Vaughn v. School District* 27, 27 Or. 63, 39 Pac. 393.)

### § 115. *Directors Shall Not Have Pecuniary Interest.*

It shall be illegal for any director, either directly or indirectly, to have any pecuniary interest in the erection of school houses, or for the warming, ventilating, furnishing or repairing the same, or to receive or accept any compensation for his services rendered as a member of the board. [L. 1913, Ch. 172, p. 304, § 1, subd. 19.]

Under this section, concerning purchases of supplies for school districts by school directors, no sale of anything in which a director may have a pecuniary interest should be countenanced; and, therefore, in a libel action for charging a school director with a violation of his duty by selling to his district articles used in daily routine, though not properly for use "in the erection, or for the warming, ventilating, furnishing, or repairing" of school houses, defendant should be permitted to show in mitigation of damages any purchases in which plaintiff was pecuniarily interested made by the school board while he was a director: (*Woolley v. Plaindealer Pub. Co.*, 47 Or. 619, 84 Pac. 473.)

A member of the board of directors of a school district, cannot be interested in any contract for the erection or repairing of a school house, even though he is the most capable person that can be secured to perform certain work connected therewith.—Report of Attorney General, 1913, p. 310.



§ 116. *Demands Must Be Approved—Contracts Examined.*

All demands, whether by contract or otherwise, must be approved by the district school board, when in session, before an order can be drawn on the district clerk for them, and no officer can draw an order on the treasurer unless he is authorized to do so by a vote of the board at a regular or special meeting. It shall be the duty of the board to examine all contracts for the employment of teachers and the construction of school houses, or for any other purpose, and to see that stipulations have been complied with, before they authorize the payment of money thereon. [L. 1913, Ch. 172, p. 304, § 1, subd. 20.]

§ 117. *School Warrants, When Issued—Interest.*

School warrants shall not be issued without a vote of the district school board, and they must be drawn and signed by the chairman of the board and countersigned by the district clerk; *provided*, that if there should not be any money in the treasury they shall be marked "not paid for want of funds", and said orders shall draw interest at the legal rate from the date of indorsement until paid. [L. 1913, Ch. 172, p. 303, § 1, subd. 16.]

The chairman and clerk of a school district board cannot issue warrants for the payment of teachers' salaries and incidental expenses without an order of the board to that effect, made at a regularly held meeting of said board. Such orders or warrants may be actually written by any one, but must be signed by the chairman and attested by the clerk.

The clerk and his bondsmen are financially responsible for orders or warrants which he pays, and which he knows have not been lawfully issued.—Report of Attorney General, 1913, p. 276.

§ 118. *Chairman and Clerk May Draw Warrants. When—Report Must Be Examined—Teachers Must Hold Legal Certificates.*

The board may authorize the chairman and clerk to draw warrants for the payment of teachers' salary at the end of each school month, upon proper evidence that the service has been performed, but the order for wages for the last month of the term shall not be drawn until the teacher's report shall have been received, examined, accepted and filed in the office of the district clerk; *provided*, that all teachers must hold legal certificates and that said certificates must cover the entire time of the teacher's service, and must specify all the branches taught, and such certificate can neither directly or indirectly be made to legalize another teacher's services. [L. 1913, Ch. 172, p. 304, § 1, subd. 21.]

A teacher whose contract for teaching expires on January 1st, which is the limitation of his certificate held at the time of making his contract, and he has taken the examination held in December, is qualified to enter into a further contract at any time after such examination, and even before the issuance of his new certificate, which contract however will be avoided upon notice that he



has failed at such examination. A promise by the board of directors to sign the new contract is sufficient if it is the action of the board taken while in regular session, but if it is only the promise of the individual members when not in session, a meeting of the board will have to be held for such purpose before the contract can be legally executed by the board.—Report of Attorney General, 1913, p. 252.

§ 119. *Duty Must Be Performed at a Regular Meeting—Contract Void, When.*

Any duty imposed upon the board as a body must be performed at a regular or special meeting, and must be made a matter of record. The consent to any particular measure obtained of individual members when not in session is not an act of the board, and is not binding upon the district. If a contract is made without authority of the board, the individual making such contract shall be personally liable. [L. 1913, Ch. 172, p. 304, § 1, subd. 17.]

§ 120. *Shall Hire Teachers and Make Contracts. Relative May Be Hired—When.*

The board at a general or special meeting called for that purpose, shall hire teachers, and shall make contracts with such teachers which shall specify the wages, number of months to be taught, and time employment is to begin, as agreed upon by the parties, and shall file such contracts in the office of the district clerk. No contract shall be made with any teacher who is related by blood or marriage within the third degree to any member of the school board without the concurrence of all the members of the board, by a vote duly entered on the clerk's records of proceedings. Unless otherwise provided in the teacher's contract, it shall be understood that the branches provided for in the State course for the first eight grades shall be taught excepting school law and theory and practice of teaching. [L. 1913, Ch. 172, p. 301, § 1, subd. 7.]

A contract for the employment of a teacher for a specific term, executed at a meeting of school directors irregularly called, at which the directors were not all present, is ratified so as to be binding upon the school district by the payment of the salary for part of the term with the approval and acquiescence of the board. (Graham v. School District, 33 Or. 266, 54 Pac. 185.)

A teacher having been employed by a school district board to teach certain grades, and being re-elected for the ensuing year without any specific statement in the contract as to the grades she is elected to teach, may be assigned to any grades by the board, and her re-election shall not be construed as a contract to teach those grades formerly taught.—Report of Attorney General, 1913, p. 413.

A school district board may enter into a contract with a teacher for a period of three years, even though such period extends beyond the term of a majority of the board of directors, if such contract is made in good faith, without fraud or collusion, and such a contract having been entered into and two years of the service having been performed by the teacher, can be rescinded by the board only for cause, as to the remainder of the term, which cause shall be supported upon the record by the district court, and due notice given to the teacher to be so dismissed.—Report of Attorney General, 1913, p. 328.

§ 121. *Teacher Must Hold Certificate.*

If any district school board shall draw a warrant on the school fund for the wages of any teacher who does not hold a

valid teachers' permit, certificate, or diploma, and lay the same before the board of [directors for] inspection, such district shall forfeit its proportion of the school fund for the current year. [L. 1913, Ch. 172, p. 301, § 1, subd. 8.]

If a school district employs a teacher and he does not hold a certificate, and pays for his services, such school district is liable to forfeit its proportion of the public school fund for the ensuing year.—Report of Attorney General, 1913, p. 418.

### § 122. *Boards to Control School, Except Course of Study.*

Boards shall have entire control of the public schools of their district and the teachers employed therein, except that in districts of the second and third class the boards of such districts shall adopt the course of study prescribed by the State Board of Education; and any such district using any other course of study than that prescribed by the State Board of Education shall forfeit 25 per cent of the county school fund for that or the subsequent year. The board may establish such rules and regulations for the government of teachers and pupils as are consistent with those of the State Board of Education, as the interests of the school require. It shall be the duty of the teacher, under the direction of the board, to determine what branches shall be pursued by each pupil, consistent with the course prescribed by law. [L. 1913, Ch. 172, p. 302, § 1, subd. 9.]

School district boards have authority to exercise entire control of the public schools of their districts, and of the teachers employed therein, and to make rules and regulations for the government of teachers and pupils, consistent with the State Board of Education, and as the interests of the school require. Under this authority, they may exercise a restrictive control over student enterprises, but cannot make them compulsory in this respect. Such control is different from that exercised over fraternities and secret societies, which are prohibited by statute.—Report of Attorney General, 1913, p. 350.

The bible may be read in the public schools of Oregon without conflicting with any law or the constitution or any regulation of the Board of Education.—Report of Attorney General, 1913, p. 185.

### § 123. *Pupils Must Be Provided With Books.*

The district board shall require, as a condition of membership in any school, that pupils shall be provided by their parents or guardians with such books as may be prescribed by law. [L. 1913, Ch. 172, p. 303, § 1, subd. 15.]

### § 124. *May Loan Text-Books.*

When directed by a vote of a district, the district board shall loan text-books to indigent pupils; and, when not directed by a vote of the district so to do, may loan said books to the indigent pupils upon the written report of the clerk that the parent or guardian of such children are unable to purchase such books. [L. 1913, Ch. 172, p. 302, § 1, subd. 10.]



§ 125. *May Admit Pupils From Other Districts.*

The district school board may, at its discretion, contract with the district school board of any other district for the admission of pupils in any school in such other district, on such terms as may be agreed upon by such boards, which contract shall be in writing upon blanks furnished by the Superintendent of Public Instruction; the expense so incurred shall be paid out of the school funds of the district sending such pupils. Should the first mentioned district fail to pay the expense so incurred according to the terms of the contract, the county superintendent of the county containing the first mentioned district shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of the unpaid expense from the amount due the first mentioned district by said apportionment. When the county superintendent has made the deduction provided for in this section, he shall draw a warrant on the county treasurer in favor of the second mentioned district for the amount of the deduction, and the treasurer shall pay said warrant out of the common school fund of his county. The county superintendent's jurisdiction, as herein provided for, shall, in case the first mentioned district be a joint district, be exercised by the county superintendent of the county in which the greater part of such district may be situated, as shown by the number of persons in said district between the ages of 4 and 20, according to the school clerk's last annual report. The county superintendent's action in the matter shall be final. [L. 1913, Ch. 172, p. 302, § 1, subd. 11.]

§ 126. *Dismissal of Teachers.*

The board shall dismiss teachers only for good cause shown, and in case the board shall pass an order to dismiss, the material reason therefor shall be spread upon the record by the district clerk. [L. 1913, Ch. 172, p. 304, § 1, subd. 22.]

§ 127. *Appeal.*

If a teacher is unjustly dismissed, he may take an appeal from the action of the board in dismissing him to the county superintendent and thence to the Superintendent of Public Instruction, but for a breach of contract of teaching the teacher or the district shall have their ordinary legal remedies. In the trial of a teacher, when it is sought to dismiss him, as above provided, the board, the county superintendent, or the State Superintendent, as the case may be, shall give the teacher due and legal notice of the charges against him and an opportunity to be heard in his own defense in person or by attorney. [L. 1913, Ch. 172, p. 305, § 1, subd. 23.]



§ 128. *Persons Affected With Contagious Diseases.*

Any board of directors may, on account of the prevalence of any contagious disease or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child, who has not had the smallpox, upon the schools under their control, and shall also have power to decide how far revaccination shall be required if a case or cases of smallpox have occurred in the city or district. [L. 1913, Ch. 172, p. 302, § 1, subd.12.]

Children afflicted with communicable diseases may be excluded from the public schools.

School district boards may also establish separate schools for the education of white and Indian children respectively, if equal facilities are thereby provided the children of each race.—Report of Attorney General, 1913, p. 346.

Where under a contract between the directors of a school district, there was a clause to teach a definite period unless the school was discontinued by order of the directors, and the directors in consequence of the prevalence of diphtheria stopped the schools, but re-opened them when the danger had passed, and before the expiration of such contract, it was held that the discontinuance of the school was for good cause and authorized under the contract, that such discontinuance did not operate to annul such contract and discharge the teacher; that it did relieve the district from liability during such period but not from liability for the unexpired portion of such contract after the schools were re-opened. (*Good-year v. School District*, 17 Or. 517, 21 Pac. 664.)

A school board of directors has the right to close the school, if in the judgment of the board it is necessary to do so for the public health and safety, or the health or safety of the pupils. The teacher, however, is entitled to his pay during the time that the school is so closed, unless there is in the contract a special clause to the contrary.—Report of Attorney General, 1907, p. 217.

No rule of compulsory vaccination can be enforced where it is not shown that an epidemic or danger of smallpox or other contagious disease exists.—Report of Attorney General, 1911, p. 23.

§ 129. *Board May Prohibit Attendance of Vermin-Infected Pupil.*

Any board of directors may prohibit the attendance of any vermin-infected or unsanitary pupil upon the schools under their control, and said board of directors may require the city or county health officer to make an examination of any pupil who may be suspected of having any vermin, or of being in an unsanitary condition of the body or clothing, and may require the parents or guardian of such pupil to put such pupil in a sanitary condition before returning to school. [L. 1911, Ch. 82, p. 123, § 1]

§ 130. *Toilets Must Be Provided—Penalty.*

It shall be the duty of all boards of directors in this State to provide suitable and convenient water-closets, or toilets, for each of the schools under their charge, at least two in number, which shall be entirely separate each from the other, and having separate means of access. It shall be the

duty of the school officers aforesaid to keep the same in a clean, chaste, and wholesome condition, and to clear the school ground of brush and other obstructions to a good view of the premises; and a failure to comply with the provisions of this subdivision on the part of the board of directors shall be sufficient grounds for removal from office and for withholding from any district any part of the county school fund of the county. The expense incurred by the officers aforesaid in carrying out the requirements of this subdivision shall be a charge upon the district, and a tax may be levied therefor without a vote of the district. [L. 1913, Ch. 172, p. 303, § 1, subd. 13.]

§ 131. *Directors Shall Prosecute, When.*

It shall be the duty of the board of directors to prosecute any person who shall wilfully write, make marks or draw obscene pictures on the walls or any other parts of any school house or outbuilding, or furniture thereof, or for defacing or damaging any school building; and any person thus defacing or injuring public school property shall be punished by a fine not less than \$5.00 nor more than \$20, and justices' courts shall have jurisdiction of this offense; which fine shall be paid by the justice within 30 days to the county treasurer, taking his receipt therefor. All moneys received by the county treasurer in this manner shall be credited to the county school fund. [L. 1913, Ch. 172, p. 305, § 1, subd. 24.]

A county court not being invested with criminal jurisdiction, cannot fine a boy fifteen years of age for destroying school property. Such fine if imposed at all, is imposed by a justice of the peace, but all juvenile offenders against the criminal laws must be transported to the juvenile court, under Section 11, Chapter 34, Laws of 1907, or brought before the juvenile court directly on being arrested. The juvenile court thereafter has jurisdiction of the offense, but must proceed according to the provisions of the juvenile law.—Report of Attorney General, 1913, p. 105.

§ 132. *School House May Be Used, When.*

A district school board may at its discretion permit a school house, when not occupied for school purposes, to be used under careful restrictions for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, but for any such use or privilege it shall not be at the cost for fuel or otherwise to the district. No dancing shall be permitted in any school room. Nor shall any furniture which is fastened to the floor be removed, and whoever removes any school furniture for any other purpose than repairing the same or repairing the school room, shall be guilty of a misdemeanor, and shall be fined not less than \$5.00 nor more than \$10 for each offense. All fines imposed and



collected under the provisions of this subdivision shall be paid into the general school fund of the State; *provided*, that the power delegated to the board by this act may be denied a district school board by a majority of the legal voters present and voting at the annual meeting, or at a special meeting called for that purpose. [L. 1913, Ch. 172, p. 306, § 1, subd. 27.]

A school house built by the State on government land, instead of land donated as a school site, which school house is built at the expense of the school district, is a school house within the meaning of the school laws, notwithstanding the error as to its location, and the statute forbidding dancing in school houses, and the removal of furniture, applies to such school house, notwithstanding the error in its location.—Report of Attorney General, 1913, p. 81.

### § 133. *Uniform Series of State Blanks.*

The board shall cause to be used in each district a uniform series of State blanks, registers, etc., whenever the same shall be supplied by the State. [L. 1913, Ch. 172, p. 306, § 1, subd. 28.]

### § 134. *Shall Require Bond of Clerk.*

To require and take from the clerk a bond, with one or more sufficient sureties, the amount thereof to be sufficient to secure the school money that may come into his hands, conditioned for the faithful performance of his duties, which bond shall be filed with the county superintendent; *provided*, that no director shall be a surety on said bond. [L. 1913, Ch. 172, p. 306, § 1, subd. 29.]

School district boards of directors fix the amount of the district clerk's bond, subject to the approval of the county school superintendent.—Report of Attorney General, 1909, p. 32.

### § 135. *Kindergartens.*

The district school board of any school district in the State of the first and second class may, when authorized thereto by the qualified electors of such district, provide for the establishment and maintenance therein, as part of the common school system thereof, of schools commonly known as kindergartens, and such schools shall be free to children over four years of age. [L. 1913, Ch. 172, p. 305, § 1, subd. 25.]

### § 136. *Shall Issue Bonds—When.*

The school districts of this State shall have power to contract a bonded indebtedness for the purpose of providing funds with which to erect and furnish a school building or buildings or to purchase a site or sites therefor or to fund or refund outstanding indebtedness or for any, all or either of these purposes, and to provide for the payment of the same as hereinafter set forth. [L. 1913, Ch. 172, p. 306, § 2.]



§ 137. *Election for Contracting Bonded Debt.*

For the purpose of providing funds with which to erect and furnish a school building or buildings or to purchase a site or sites therefor or for any, all or either of these purposes, the district school board of any school district may, whenever a majority thereof so decide, or shall upon the petition of ten legal voters thereof in substantially the following form:

..... Oregon, ....., 19....  
To the district school board of school district No. ....,  
of ..... County, Oregon:

We the undersigned legal voters respectfully request you to submit to the legal voters the question of contracting a bonded indebtedness in the sum of \$..... for the purpose of..... in and for said school district, and that you call a school district bond election for that purpose.

.....  
.....  
.....  
.....  
.....

Direct the district clerk to post a notice of election as and in the manner hereinafter provided, which notice shall be as near as may be as follows:

SCHOOL DISTRICT BOND ELECTION NOTICE.

STATE OF OREGON, }  
County of ..... } ss.  
School District No. .... }

Notice is hereby given that at the school district bond election hereby called to be held at ....., in and for School District No. ...., of ..... County, Oregon, the ..... day of ....., A. D. 19...., between the hours of two o'clock p. m. and seven o'clock p. m., there will be submitted to the legal voters thereof the question of contracting a bonded indebtedness in the sum of \$..... for the purpose of ..... in and for said school district.

The vote to be by ballot upon which shall be the words "Bonds—Yes" and "Bonds—No"; and the voter shall place a cross (X) between the word "Bonds" and the word "Yes," or between the word "Bonds" and the word "No," which indicates his choice.

The polls for the reception of the ballots cast for or against the contraction of said indebtedness will, on said day and date

and at the place aforesaid, be opened at the hour of two o'clock p. m. and remain open until the hour of seven o'clock p. m. of the same day when the same shall be closed.

By order of the district school board of School District No. ...., of ..... County, Oregon, made this ..... day of ....., A. D. 19.....

Attest:

.....  
*Chairman, District School Board.*

.....  
*District Clerk.*

Said notice shall be posted for 20 days prior to such election in three public and conspicuous places in the district, one of which shall be the place of election. Immediately prior to opening the polls, the legal voters present shall convene (the chairman or some other member of the district school board calling the meeting to order), and elect three judges and a clerk who shall conduct the election, and when the polls are closed, canvass the vote and certify the result to the district school board, the county treasurer and the county superintendent. [L. 1913, Ch. 172, p. 306, § 2, subd. 1.]

See Sections 148-153 as to duty of school officers to offer bonds to State Land Board.

### § 138. *Bonds, Issuance of.*

If a majority of the ballots cast are "Bonds—Yes," the district school board shall, without a further vote of the legal voters and as soon as practical, issue the negotiable coupon bonds of the district, not exceeding in par value the amount stated in the notice of election and for the purpose therein named, bearing not to exceed legal interest per annum, payable semi-annually, redeemable at the pleasure of the district but due and payable absolutely 20 years from date; but the aggregate amount of such bonded indebtedness shall in no case exceed five per centum of the total valuation of all the taxable property of such school district; the principal of and the interest on such bonds shall be payable in lawful money of the United States of America at the office of the treasury of the county in which the district is situated or at the fiscal agency of the State of Oregon, in the city and state of New York, U. S. A., at the option of the purchaser thereof; all such bonds shall be sold by the district school board for the best price obtainable, but in no event for less than par and must recite that they are issued under the provisions of this act; all such bonds shall be signed by the chairman of the district school board, attested by the district clerk, and registered by the county treasurer; and the interest coupons thereto



annexed shall be signed by said chairman and clerk, by their original or engraved facsimile signatures. [L. 1913, Ch. 172, p. 308, § 2, subd. 2.]

§ 139. *Bonds, Registration and Sale of.*

The county treasurer shall register each bond in a book kept for that purpose in his office, noting the school district, amount, date, time and place of payment, rate of interest and such other facts as may be deemed proper, and cause said bonds to be delivered promptly to the purchasers thereof upon payment therefor, and he shall hold the proceeds of the sale of said bonds subject to the order of the district board to be used solely for the purpose for which said bonds were issued; and when said bonds shall have been so executed, registered and delivered, their legality shall not be open to contest by such school district or by any person or corporation for or on its behalf for any reason whatever. [L. 1913, Ch. 172, p. 308, § 2, subd. 3.]

§ 140. *Bonds, Tax Levy for Payment of.*

The district school board shall ascertain and levy annually, in addition to all other taxes, a direct annual advalorem tax on all the taxable property in such school district, sufficient to pay the interest accruing on said bonds promptly when and as the same becomes due; and in the calendar year next preceding the date fixed by said board after which said bonds are redeemable and annually thereafter, until the full payment of said bonds, said board shall, in addition to the interest tax hereinabove provided for and for all other taxes, levy on said property, a direct annual advalorem tax sufficient to raise a per centum of the principal of said bonds as will, in equal annual installments, be sufficient to retire all of said bonds by the time they mature; and the funds derived from such tax levies shall by the county treasurer be kept in a separate fund to be known as and designated "School district No. .... bond interest and sinking fund", which shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the said bonds when due, so long as any of said bonds or the coupons thereto appertaining remain outstanding and unpaid; and for greater certainty said board shall in each year include the tax required by this act to be levied for such year in the annual estimate for such school district for such year and said tax shall in each year be certified, extended upon the tax rolls and collected by the same officers, in the same manner, and at the same time as the taxes for general county



purposes for such county in such year are certified, extended and collected. [L. 1913, Ch. 172, p. 309, § 2, subd. 4.]

§ 141. *Levy by County on Failure of District.*

If the district school board shall fail or refuse to levy the tax necessary for such interest or sinking fund, it shall be the duty of the county treasurer to ascertain and certify the amount necessary to the county court and county board of commissioners; and it shall then be their duty to levy a tax sufficient to raise the sum so required and ascertained by the county treasurer; and the proper county officer having power to extend county taxes shall extend the same upon the tax roll of said county upon the taxable property of such school district; and the proper county officer whose duty it is to collect taxes shall collect the same according to law; and the said collecting officer shall pay said funds so collected into the county treasury to the credit of the bond interest and sinking fund of such school district to be used in the payment of said bonds and interest. [L. 1913, Ch. 172, p. 309, § 2, subd. 5.]

§ 142. *County Treasurer to Make Payments.*

The county treasurer must cause to be paid out of any money in his hands belonging to such school district the interest on or principal of, as the case may be, any bond issued under this section promptly when and as the same becomes due at the place of payment designated in such coupons or bonds, and all coupons or bonds so paid must be immediately reported to the district school board. It shall be unlawful for the county treasurer, or any board of school directors, to pay to the purchaser of any bond issued under this section, or to any agency representing such purchaser, any commission whatsoever for the collection of the interest on or principal of, as the case may be, any bond issued under this section, and the county treasurer shall not be required to remit to the purchaser of any bonds or coupons the amount necessary to redeem such bonds or coupons until the day such bonds or coupons are due. [L. 1913, Ch. 172, p. 309, § 2, subd. 6.]

§ 143. *Payment and Cancellation of Bonds—Interest.*

Whenever the amount of any sinking fund created under the provisions of this section shall be equal the amount, principal and interest, of any bond then due or subject under the pleasure of option of the school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which such school district is located to notify the

holder of such bond and to publish a notice in the newspaper published nearest to the district; that the said county treasurer will, within thirty days from the date of said notice, redeem and pay any such bond then redeemable and payable, giving priority according to the date of issue numerically, and upon presentation of any such bond at the place of payment specified therein, the said treasurer shall cause the same to be paid. In case any holder of such bond fails to present the same at the time mentioned in said notice then the interest thereon shall cease, and said treasurer shall thereafter pay only the amount of such bond and the interest accrued thereon up to the last day of the time of redemption mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be cancelled and write across the face thereof "redeemed" and the date of redemption, and shall deliver the same to the district school board of such school district, taking their receipt therefor. Each county treasurer of the State, and the sureties on his official bond as such, shall be liable to any school district in his county for any funds placed in the hands of such treasurer, under the provisions of this act. [L. 1913, Ch. 172, p. 310, § 2, subd. 7.]

§ 144. *Board Shall Decide How Bonds Are to Be Sold.*

Before any election is held in any school district to authorize the contraction of a bonded indebtedness, or any bonds are issued under the provisions of Section 145 of this section hereinafter set out, the district school board shall decide whether the bonds shall be issued according to the provisions of Section 114, or the provisions of Sections 137 to 143, and the same shall be issued under the provisions of the subdivisions so selected by the board. [L. 1913, Ch. 172, p. 310, § 2, subd. 8.]

§ 145. *Issue and Exchange of Bonds.*

Whenever any school district shall have any outstanding warrant or bonded indebtedness incurred in building any school house or school houses or in the furnishing of the same or for the purchase of any school house site or sites or in refunding or funding indebtedness, which indebtedness is due or subject under the pleasure or option of the school district to be paid or redeemed, it shall be lawful for said school district, by and through its district school board, to issue and exchange, for any such indebtedness, its bonds bearing not to exceed legal interest per annum; and said bonds shall in all respects conform to and be governed as to their issue by the provisions of Sections 137, 138, 139, 140, 141, 142,



143, 144 and 145, except that the funding or refunding of said indebtedness and the issuing of bonds for such purpose shall not require an election, but may be done by resolution of the district school board at any legally called meeting thereof; and the validity of any bonds issued under the provisions of this section or of the indebtedness thereby funded or refunded shall not thereafter be open to contest by said school district or by any person or corporation for or on its behalf for any reason whatever. [L. 1913, Ch. 172, p. 306, § 2, subd. 9.]

In a suit to enjoin the issue of bonds to build a district school building, on the ground that the meeting of the district board authorizing the issue of the bonds was not legally convened, even if plaintiff had knowledge of the meeting and participated therein, and was thereby estopped to question the validity of the proceedings in equity, such facts would be a matter of defense by way of estoppel. (*Riggs v. Polk County*, 90 Pac. 5.)

§ 146. *Blanks, How Secured.*

The blank bonds and other blanks required by this act shall be printed by the State Printer, according to forms approved by the Attorney General, and furnished to the various school districts by the Superintendent of Public Instruction. [L. 1913, Ch. 172, p. 311, § 3.]

§ 147. *Former Bond Issues Not Affected.*

Sections 4052, 4053, and 4054, Lord's Oregon Laws, are hereby repealed; *provided*, that the repeal of said acts and parts of acts shall in no wise affect any bonds issued or in course of issue thereunder, and any and all proceedings heretofore had or which are now being had or carried forward under the acts hereby amended or repealed, or any, all or either of them, may be carried forward, completed or consummated under this act, and bonds contemplated by such procedure may be issued in the form and with the terms and according to the provisions of this act. [L. 1913, Ch. 172, p. 311, § 4.]

§ 148. *Notice to State Land Board of School Bond Sales and Their Action Thereon.*

At the time of offering for sale any bonds issued by any school district in Oregon, notice of such issue and the amount thereof shall be given to the State Land Board by the school district officers in charge of such issue, and the State Land Board shall have the preferential right to purchase and pay for all or any number of said bonds out of the irreducible school fund, University fund, or Agricultural College fund, or other funds in its hands or under its control, at their par value, *provided* said bonds cannot be sold by such school district for



more than their par value. After receiving such notice the said State Land Board shall determine whether or not to purchase such bonds, or any number of them, and said State Land Board shall immediately thereafter give notice to the proper school district officers of its decision, which decision shall be binding upon the officers charged with the issuance and execution of such bonds. If the State Land Board determine not to make such purchase, or to purchase only a part of such issue, then the officials in charge of the execution of such bonds shall proceed to advertise and sell such bonds as the State Land Board elects not to take, in the manner now provided by law. [L. O. L. § 3919.]

§ 149. *Proof of Legality of Issue to Be Submitted With Notice.*

There shall be presented to said State Land Board, at the time of the giving of the notice of such issue of bonds, full and complete proof of the proceedings and actions taken in reference to the issue of said bonds, with the opinion of the district attorney, or local attorney for the State Land Board, showing the regularity and the legality thereof together with a certificate showing the amount of the taxable property and the amount of indebtedness against such school district, and any other information required by the State Land Board. [L. O. L. § 3920.]

§ 150. *Terms and Conditions of Purchase of Bonds by Board.*

Any purchase by said State Land Board may be made payable in any number of years, not less than one, and due in any number of years, not to exceed twenty, and any such bonds purchased by said State Land Board may be written or printed, with or without coupons, and the denomination may be in any amount, not exceeding \$10,000, as may be agreed upon by the parties, and the interest shall not be less than five per cent per annum. [L. O. L. § 3921.]

§ 151. *Bonds to Be Paid Out of Proper Fund.*

When any such bond or bonds, are duly executed and delivered to the State Land Board, the State Land Board shall cause the same to be paid for, specifying the fund out of which the same is payable in favor of the school district issuing such bonds, and the body receiving the same shall place the same to the credit of the fund for which the same was borrowed. [L. O. L. § 3922.]

§ 152. *Bonds So Purchased Subject to Sale — Proceedings Thereon.*

All bonds purchased under the provisions of this act shall be subject to the sale and disposition at any time under the

order and direction of said board, when the said board shall deem it advisable to make such sale and disposition thereof; and the proceeds of such sale shall be divided and paid into the fund from which the investment was made, the principal to the permanent fund and the interest and other profits to the interest fund, and the principal may be reinvested in such bonds as may be deemed prudent by said land board. Every sale or disposition of bonds authorized in this section shall be reported, with the reasons therefor, to the legislature, in the biennial report of the State Land Board. [L. O. L. § 3923.]

§ 153. *Penalty.*

It shall be mandatory upon all officers in charge of school districts for bond sales to first offer the proposed issue of bonds to the State Land Board for the investment of the irreducible school, university, or agricultural college, or other fund in their charge, and any willful failure to comply herewith shall be deemed a misdemeanor, punishable by a fine of not less than \$10 nor more than \$100, and the district attorney of the judicial district for the proper county must prosecute such offending officers upon the request of the State Land Board. [L. O. L. § 3924.]

§ 154. *Transportation of Pupils.*

A district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, furnish transportation to and from school to all pupils living more than two miles from the school building; and may at their discretion, provide for the transportation of any and all pupils residing nearer than two miles from the central building; said distance, in either case, to be measured from the inclosure immediately surrounding their residence to the school house property along the nearest traveled road; *provided*, that the district school board may, at its discretion, pay the board of any pupil or pupils at any suitable place near any established school, instead of providing conveyance for said pupil or pupils, when, in their judgment, it may be done at an equal or less expense than by conveyance. District school boards of such districts are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts; and shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, levy a tax upon the taxable property of their districts for the purpose of carrying out the provisions of this section. [L. O. L. § 4055.]



§ 155. *District May Suspend School, When.*

The district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, suspend the district school for such time as they may have been authorized, and arrange with any adjoining or other district, or districts, during the time when the school shall be suspended for the instruction of the pupils of such district; and, also, provide for the transportation of any or all pupils residing therein to and from the school house in the district with which the arrangements for their instruction is made, and to pay for the amount of expense incurred in providing for the transportation and for tuition of pupils in an adjoining or other district or districts. District school boards are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts, and when authorized by a majority vote of the legal voters present at any legally called school meeting, shall levy a tax upon the taxable property of their districts for the purpose of carrying out the provisions of this section. [L. O. L. § 4056.]

This act does not provide for the suspension of a part of the grades, but for a suspension of the school. Dropping a grade and providing for the pupils of that grade to be taught in another district is not within the purview of this act. (Report of Attorney General, 1907, p. 82.)

§ 156. *Flags for School Districts.*

The boards of directors in the several school districts of this State shall procure a United States flag of suitable size, and shall cause said flag to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as to said board may seem proper. [L. O. L. § 4057.]

§ 157. *Expense, How Paid.*

The necessary funds to defray the expenses to be incurred for such flags and for poles and appliances necessary in connection therewith, and for the care thereof, shall be assessed and collected in the same manner as the moneys are now raised by law for public school purposes, or may be paid out of any funds in the treasury of any school district not otherwise appropriated. [L. O. L. § 4058.]

§ 158. *Vacancies in Offices of Clerk and Director.*

The county school superintendent shall declare the office of a clerk or director vacant upon the happening of any of the following causes:



1. The death or resignation of the incumbent.
2. When an incumbent shall be removed from office or his election thereto shall have been declared void by the judgment or decree of any competent court.
3. When an incumbent shall cease to be a resident of the district.
4. When an incumbent shall cease to discharge the duties of his office for two consecutive months, unless he shall have been prevented from discharging such duties by sickness or other unavoidable cause.

When a vacancy shall occur in the office of director in a district of the first class, the clerk of said district shall forthwith call a meeting of the remaining member or members, who shall at once fill the vacancy from any of the qualified voters of the district.

When a vacancy shall occur in the office of director or clerk in a district of the second or third class a special school meeting to fill said vacancy shall be called in accordance with Section 186; *provided*, that should the office of each director of any district be vacant at the same time, it shall be the duty of the county school superintendent to call a school meeting in such district to fill such vacancy, in accordance with Section 186 of this compilation; *provided further*, that should the vacancies occur in a joint district, it shall be the duty of the county superintendent of the county containing the greater number of persons, in such district between the ages of four and twenty years as shown by the clerk's last annual report, to declare the offices vacant or to call the meeting as provided for in this section. [L. O. L. § 4062.]

The resignation of a school director tendered to and accepted by the electors of his district is of no effect. Being an elective office, the resignation must be presented to the power authorized to call an election to fill the vacancy. (Vaughn v. School Dist., 27 Or. 65, 39 Pac. 393.)

When a school district director resigns orally at the annual school meeting, and the electors of the district proceed to elect a successor for his unexpired term, who qualifies and discharges the duties of the office, such successor is a regularly elected, qualified and acting director.—Report of Attorney General, 1913, p. 430.

### § 159. *Other Duties.*

The directors shall perform such other duties not provided for in this section as the wants of the district may from time to time demand. [L. 1913, Ch. 172, p. 306, § 1, subd. 30.]

### § 160. *Violations of School Law—Penalties.*

If a director shall be guilty of misfeasance or malfeasance in the office, he may, by the appropriate proceeding, be removed from office by a court of competent jurisdiction.

Any member of any school district board, or any school clerk, who shall violate any of the provisions of this act shall

be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and any teacher who shall violate any of the provisions of this act shall be liable to immediate dismissal, and it shall be the duty of the county superintendent to prosecute and carry out the provisions of this section. [L. O. L. § 4063.]

The recall amendment of the constitution is applicable to school directors, but is not self executing with reference to them, and has never been executed or carried into effect by appropriate legislation.—Report of Attorney General, 1913, p. 147.

#### § 161. *Fines—Where Paid.*

All fines collected for any violation of this act shall be paid to the treasurer of the county where the suit is brought, for the support of the common schools. [L. O. L. § 4064.]

#### § 162. *Doors of School Buildings Must Open Outward.*

The outside doors, and other exits leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward. [L. O. L. § 4987.]

#### § 163. *Duty of Persons Having Control of Building—Penalty.*

It shall be the duty of the owner, lessee, or tenant, or person having control of any of the buildings enumerated in the preceding section to provide outside doors, and other doors leading thereto in such building, opening outward, within six months after the time this act takes effect; and any owner, lessee, tenant, or person having control of any such building who fails or refuses to so provide doors opening outward, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment, and each day which such offending person shall fail to comply with the provisions of this act shall be deemed a separate offense. [L. O. L. § 4988.]

#### § 164. *Evening Schools.*

The board of directors of any school district of the second class in the State of Oregon are hereby empowered to provide and maintain a continuation evening school, and to fix the hours during which such school shall be in session and to



fix the length of term for such school; *provided*, that the length of term shall be not less than one-third that of the day session in such city; to employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if in their judgment there is sufficient demand to justify such provisions; to fix, within the limits above mentioned, a course of study required for graduation from the evening high school, to admit any person not receiving instruction in the day session for the public schools, without restrictions as to age and citizenship. [L. 1913, Ch. 75, p. 113, § 1.]

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## CHAPTER VI.

### DISTRICT SCHOOL CLERKS.

#### § 165. *Bond of School Clerk.*

Before assuming the duties of his office the district clerk shall give a good and sufficient bond, equal in amount to not less than double the probable amount of all school moneys that shall come into his hands as clerk of such district. The bond of the district clerk shall be presented to and accepted by the district school board of his district within ten days from the date of his election or appointment as such district clerk, which bond shall be filed with the county superintendent within thirty days from the date of the election of the district clerk. [L. O. L. § 4065.]

School district boards of directors fix the amount of the district clerk's bond, subject to the approval of the county school superintendent.—Report of Attorney General, 1909, p. 32.

#### § 166. *New Bond, When—Failure to Give, Effect of.*

Every clerk of a school district who is his own successor shall give a new bond for the term for which he is re-elected, within the time hereinbefore named for the presentation of his bond to the directors, and his former bondsmen shall not be liable for defaults committed within the term for which he is re-elected. In case any district clerk shall fail to give a bond within the time hereinbefore mentioned for the presentation and acceptance of such bond, the office of clerk shall be declared vacant by the district school board; *provided, however*, that in the event any board of directors shall accept a bond of the district clerk after thirty days have elapsed from the date of the election or appointment of such clerk then said bond so accepted shall be valid. [L. O. L. § 4066.]



§ 167. *Record—District Clerk Shall Keep—Notice of School Meetings.*

The clerk of every school district shall record all the proceedings of the district and board meetings in a book provided for that purpose. He shall give notice, as required in this act, of all annual and special district meetings. [L. O. L. § 4067.]

The clerk of a school district at any time while he is still in office has power and it is his duty to correct the records that he has kept of school meetings so as to make them conform to the facts, and such records can not in collateral proceedings be varied or contradicted by parol evidence. (Vaughn v. School District, 27 Or. 62, 39 Pac. 393.)

Under Section 161, relative to notices of school meetings, and Sections 144 and 158, relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his official record is sufficient evidence of what he did. (Amort v. School District, 48 Or. 522, 87 Pac. 761.)

Sections 538 and 539 L. O. L., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (Amort v. School District, *supra*.)

The board of directors of a school district may advertise for subscriptions for the indebtedness of the district in such amounts as it may deem advisable. (Amort v. School District, *supra*.)

It is not necessary to the validity of an obligation of a school district that it appear by the records of the clerk that the indebtedness does not exceed the legal limit, that matter being determinable from the assessment. (Amort v. School District, *supra*.)

Where the clerk of a school district fails or neglects to be present at a meeting of the district or to act as secretary thereof, the meeting has power to appoint a secretary *pro tem*, and the entries of the business of such meeting in the minutes by such secretary *pro tem* are evidence of the proceedings of the meeting. (State ex rel. v. McKee, 20 Or. 120, 25 Pac. 292.)

§ 168. *Annual Report to District and County Superintendent.*

Every district clerk shall make an annual report to his district and to the county superintendent according to the form prescribed by the State Board of Education, and shall forward a certified copy of the same to the county superintendent within five days after the annual school meeting. [L. O. L. § 4068.]

§ 169. *Census—District Clerk Shall Take.*

Every district clerk shall enroll annually during the last week in November for school purposes the names and ages of all persons in his district over four and under twenty years of age and also the names and postoffice addresses of all parents and guardians of such persons resident in the district. This annual school census shall include all youths between the ages of four and twenty years who, on the twenty-fifth day of November, actually resided in the district. [L. O. L. § 4069.]

§ 170. *Census—Must Answer Questions—Penalty.*

It shall be the duty of all parents and guardians of all children of school age to answer truly all questions propounded to them by the school clerk in regard to their residence, the

number, age and sex of all children of school age of whom they are parents or guardians, as the case may be, and any parent or guardian who shall refuse to so answer all questions, or shall not answer them truly, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars (\$100) or be confined in the county jail not more than 50 days. [L. 1913, Ch. 308, p. 598, § 1.]

§ 171. *Census Report—Special.*

Where the annual census of any school district shows an increase of one hundred per cent or more in the number of children resident in such district between the ages of four and twenty years over the number of such children as shown by the last annual report of the clerk of such district, it shall be the duty of such clerk to immediately report such increase to the county superintendent; and thereafter in any apportionment of school funds in proportion to the number of such resident children in the several school districts, the number of such resident school children in the several districts as shown by such annual census shall be used as the basis of such apportionment instead of the number thereof shown by the last annual report. [L. O. L. § 4070.]

§ 172. *Census Report False—A Misdemeanor.*

Every member of a board of directors, or district clerk, who shall willfully sign a false report to a county school superintendent, with intent of causing such superintendent to apportion a larger sum than its just proportion of school moneys to his school district, shall be deemed guilty of a misdemeanor and such district shall also forfeit for each offense the sum of twenty-five dollars (\$25) of its proportion of the county school fund. Such penalties, and any fines which shall be imposed for such misdemeanor, are for the benefit of the common school fund of the county. [L. O. L. § 4004.]

§ 173. *Census Report—Copy to County Superintendent.*

The clerk shall, within ten days after taking such annual census, forward a certified copy of the same to the county superintendent, who shall immediately examine into its correctness, and should a report be incorrect, a county superintendent may correct said report, or cause the clerk to correct said report, and in case the board of directors and the district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby author-



ized to decide as to the correctness of the report, and the decision of said district boundary board shall be final. No corrections shall be made after January 1, of the year immediately following the annual census. [L. O. L. § 4071.]

§ 174. *Blind and Deaf—Clerk Shall Enumerate.*

The district clerk shall enumerate, at the same time he takes his annual census, the name, age, residence, and post-office address of every person blind or deaf to such an extent as to be unable to acquire an education in the common schools, and who resides in the district in which he is clerk, and report the same to the county school superintendent at the time of making his annual report. [L. O. L. § 4072.]

§ 175. *Books Open for Inspection.*

The books and accounts of the district clerk are public records and shall be subject to inspection at any and all proper times; and the directors shall at the annual meeting of the school district make a thorough examination of the books and accounts of the district clerk. [L. O. L. § 4073.]

§ 176. *Uniform Blanks.\**

Clerks of all school districts within this State shall use a uniform series of State blanks, blank reports, registers, warrant books, etc., whenever the same shall be provided by the authority of the State; and when the same have been received he shall immediately receipt to the county school superintendent for them, on blanks furnished for that purpose. [L. O. L. § 4074.]

\*Chapter 286, Laws of 1913, gives the State Insurance Commissioner authority to formulate and prescribe a uniform system of accounting for school districts.

§ 177. *School Clerks to Make Tax Report to County Clerk and School Superintendent.*

It is hereby made the duty of all school clerks to report to their respective county clerks, and also to their respective county superintendents, on or before December 10, of each year, the amount of tax levied by their respective districts for maintenance; and also the amount of tax levy made by their districts for other purposes; and it is hereby made the duty of the county clerk to enter such levies on their tax rolls. [L. O. L. § 4045.]

A school district may hold a meeting and levy a tax after the 10th of December, and the same may be extended on the tax roll if reported to the county clerk on or before the first of January following, although Section 195 of the School Laws of 1913 requires all such taxes to be reported on or before



the 10th of December, such section being arbitrary and not a limitation upon the power of the district to levy the tax.—Report of Attorney General, 1913, p. 238.

The school district board of a district of the first class has no authority to change the minutes and report of the special tax payers' meeting called for the purpose of voting a special tax, but the action actually taken by the tax-payers' meeting must be certified by the county clerk.—Report of Attorney General, 1913, p. 54.

Taxes levied by a school district, may be extended by the county clerk against the property in said district, although received after the 10th day of December, as directed by Section 4, Chapter 128, Laws 1909.—Report of Attorney General, 1913, p. 57.

### § 178. *Teacher's Warrant to Be Drawn, When.*

The clerk of each school district shall refuse to draw an order for the teacher's wages for the last month until the teacher's register, copy of programme, classification of pupils, where each class began and closed in the State course of study, and such other data as may be required by the State Board of Education or the county superintendent, shall have been examined, approved by the clerk and filed in his office. [L. O. L. § 4075.]

### § 179. *Shall Turn Property Over to Successor.*

The district clerk shall turn over all district money, books, and papers to a duly qualified successor. [L. O. L. § 4076.]

### § 180. *Shall Send List of Officers to County Superintendent.*

The district clerk shall in five days after the annual school meeting send to the county school superintendent a list of the officers of his district, which list shall give the length of term of office of each director and the postoffice address of each director and clerk of the district. [L. O. L. § 4077.]

### § 181. *Shall Keep a Financial Record.*

It shall be the duty of the district clerk to keep a correct account in a book provided for that purpose of all moneys coming into his hands and of all paid out belonging to his district, and he shall make a report of the same to the annual meeting, and when called upon by directors to do so, shall report at special meetings. [L. O. L. § 4078.]

### § 182. *Shall Get Money From County Treasurer.*

When the district clerk receives the superintendent's order for the money set apart for his district out of the county school fund, he shall call upon the treasurer, either in person or otherwise, present his order and get the money; and it is hereby made the duty of the county treasurer to report at once to the county superintendent whenever such moneys are received by him. [L. O. L. § 4079.]

### § 183. *Secretary of School Meetings.*

The district clerk shall act as secretary of all district and board meetings, and shall perform all other duties required of him by this act, and should he fail to perform all such duties he shall suffer the enforcement of his bond. [L. O. L. § 4080.]

Where the clerk of a school district fails or neglects to be present at a meeting of the district or to act as secretary thereof, the meeting has power to appoint a secretary *pro tem*, and the entries of the business of such meeting in the minutes by such secretary *pro tem*, are evidence of the proceedings of the meeting. (State *ex rel. v. McKee*, 20 Or. 120, 25 Pac. 292.)

See, also, notes to Section 144.

### § 184. *Compensation.*

Clerks in districts of the first and second class shall receive as compensation for their services such a sum as in the judgment of their respective boards shall be adequate. In districts of the third class, they shall receive as compensation for their services not less than \$5.00 nor more than \$25 annually. [L. O. L. § 4081.]

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## CHAPTER VII.

### SCHOOL MEETINGS.

### § 185. *Annual and Special School Meetings.*

The legal school voters of each school district of the State shall meet once every year, which meeting shall be known as the annual school meeting, and may hold special meetings as the interests of such district shall require. [L. O. L. § 4082.]

A majority of the legal voters present at a school meeting may transact business. Even as small a number as two voters are sufficient to constitute a quorum and proceed with the business of the district.—Report of Attorney General, 1913, p. 153.

### § 186. *Meetings, How Called.*

All regular and special school meetings must be convened by a written call, stating the objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in the district at least ten days before the day appointed for said meeting. [L. O. L. § 4083.]

Under this section, relative to notices of school meetings, and Section 167, relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his official record is sufficient evidence of what he did. (*Amort v. School District*, 48 Or. 522, 87 Pac. 761.)

Sections 538 and 539, L. O. L., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (*Amort v. School District*, *supra*.)



Section 191, vesting in school district meetings the power to levy taxes, expressly limits such power to "district meetings legally called"; Section 104 empowers the district school board to call meetings generally, and Section 112 empowers it to call meetings to consider the question of erecting school buildings. Section 186 provides that all regular and special school meetings must be convened by a call stating the objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board. Held, that Section 186 was intended to designate the persons who should give notice of a called meeting ordered by the board, and not merely to give the officers therein named a discretionary power to call a meeting, and the existence of the same power in some other body was necessarily excluded. (*Riggs v. Polk County*, 51 Or. 509, 95 Pac. 5.)

The statute recognizes the permanent and separate existence of the office of "chairman of the board," and by Section 102 the oldest in service of the directors was chairman of the board, and hence a special meeting called under Section 186 signed by the next oldest member of the board was not signed by "the chairman of the board," as required thereby, and bonds issued at such a meeting were invalid. (*Riggs v. Polk County*, *supra*.)

### § 187. *Chairman—Director Longest in Office.*

The director who has served the longest time as such shall act as chairman of district meetings, and in case of his absence, the other directors in the order of such seniority; and in case neither of the directors is present at a district meeting, the qualified voters present shall elect a chairman. [L. O. L. § 4084.]

The "oldest in office of the directors present" means the director who has served the longest time is such under an election, and not the one who is serving the longest time by appointment to an unexpired term. (*State ex rel. v. McKee*, 20 Or. 124, 25 Pac. 292.)

If the clerk of a school district fails or neglects to be present or to act as secretary thereto, the meeting has power to appoint a secretary *pro tem*. (*State ex rel. v. McKee*, *supra*.)

### § 188. *Rules of Order—Division.*

All district school meetings shall be conducted in a decent and orderly manner, and shall be governed by the rules of order commonly in use by such bodies; *provided*, that a division shall be granted if demanded by two or more voters of the meeting, except in case of an election to fill vacancies of district officers. [L. O. L. § 4085.]

### § 189. *Time of Annual Meeting.*

The annual school meeting in all organized districts shall be held on the third Monday in June, 1902, and every year thereafter, or, if it be a legal holiday, the next day thereafter, for the transaction of such business as shall properly come before it; and the fiscal school year shall begin on the third Monday of June and end on the last day of June. [L. O. L. § 4086.]

The day of the annual meeting of school districts is fixed in Section 133, School Laws of 1911, as the third Monday in June, or if it be a legal holiday, the next day thereafter, and the time of such meeting is to be fixed by a notice posted by the clerk notifying the voters of the district when such meeting will be held, consequently such meeting having been held at the time specified in the notice and on the day fixed by law, is a legal meeting, even though adjourned before a number of the electors arrive.—Report of Attorney General, 1913, p. 157.



§ 190. *Election by Ballot—Terms of Office.*

1. Districts of the first class shall elect one director for each district on the day of the annual school meeting, to serve for five years, and such election shall be held from 2 p. m. until 6 p. m. and it shall be by ballot, and such ballot shall be uniform, and shall be provided by the board of directors. The judges of such election shall be appointed by the board of directors, to receive and canvass the vote and report the results to the board.

In all other districts there shall be elected by ballot at the annual school meeting one director and one clerk for each district. The director shall hold his office for three years, so that the oldest director shall retire from office in order, and the clerk for one year; *provided*, that districts of the second class may hold elections for director and clerk in the manner provided in this act for holding elections in districts for [of] the first class, when authorized so to do by a majority vote of the legal voters present at any legally called school meeting; *provided*, that in case of a tie at the election of school officers, said tie shall be decided by lot. [L. O. L. § 4087.]

School elections are neither general nor special elections, and are not governed by the general election law, and if a qualified elector is challenged, the judge is not under any obligation to determine his right to vote as would be required at a general or special election. (*Breding v. Williams*, 37 Or. 437, 61 Pac. 858.)

The power given to the legislature by the constitution to provide for the establishment of a uniform and general system of common schools carried with it the power to prescribe the qualifications of voters at a school meeting and at elections for district officers. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89; *Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

School elections are "legally authorized elections" within the meaning of the criminal statute punishing those offering to vote at such elections. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89.)

§ 191. *Power to Levy Tax—Minutes of Meeting.*

(a) District meetings, legally called, shall have power to levy a tax upon all real and personal property in their district, and make any necessary appropriation for the support and benefit of schools, and also adjourn from time to time; *provided*, that no tax shall be levied at any special meeting unless the call for such meeting shall have stated that one of the purposes of such meeting would be the levying of a tax.—

The minutes of all school meetings must be signed by the chairman and secretary. [L. O. L. § 4088.]

(See Sections 195, 198, 199, and 200.)

Where a notice of a meeting of the voters of a school district stated that the object thereof was to levy a tax of eight and one-half mills for the building of a school house, and a tax of one and one-half mills for the teacher's fund, a motion at the meeting that "we proceed to vote on the ten-mill tax," sufficiently indicates that the tax referred to was that mentioned in the notice and the entry in the minutes of the clerk that such motion was carried is a good levy of the tax. (*Vaughn v. School District*, 27 Or. 63, 39 Pac. 393.)

A notice of a school district meeting in a district of the first class, for the purpose of levying a tax for the support and benefit of the schools in said district for the ensuing year, does not authorize the expenditure of the tax levied pursuant to said notice, for the purpose of buying a site and building a new school house, as well as supporting the schools for the ensuing year.—Report of Attorney General, 1913, p. 55.

Money raised by a school district must be applied for the purpose for which it was raised. A vote of the electors of a district authorizing the directors to contract a greater debt than they can lawfully do is sufficient authority to incur a debt to the lawful limit.—Report of Attorney General, 1913, p. 140.

The voters of a school district can at a meeting called for the purpose, reconsider a tax voted at a previous meeting and vote a larger tax.—Report of Attorney General, 1913, p. 204.

A school district cannot establish an agricultural experiment station, and expend public school funds in maintaining the same.—Report of Attorney General, 1913, p. 345.

A school district may levy a tax at the annual meeting, without the notice of such annual meeting stating that one of the objects of the meeting is to levy a tax, but at a special meeting, a tax cannot be levied unless the notice states that one of the objects is to levy a tax.—Report of Attorney General, 1913, p. 355.

A tax cannot be voted, or other business transacted at a special school district meeting, unless notice of such tax, or other business, is contained in the notice calling the meeting.

The motion levying a tax at a school district meeting, must specify the amount of tax to be levied in default of which no tax is levied thereby, and such motion containing also the provision for building an additional room to the school building, which provision not contained in the notice calling the meeting, is *ultra vires*.

An indebtedness can only be incurred by a school district, board upon a majority vote of the electors of the district, at a regularly convened meeting, notice of which must be contained in the notice calling the meeting, if the same is a special meeting.—Report of Attorney General, 1913, p. 423.

## § 192. Qualification of Voters.\*

Any citizen of this State, male or female, who is twenty-one years of age and has resided in the district thirty days immediately preceding the meeting or election, and has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax, shall be entitled to vote at any school meeting or election in said district; *provided*, that, for the purposes of this section, any man who has declared his intention to become a citizen of the United States, and has resided in the State for six months immediately preceding the meeting or election where he proposes to vote, shall be considered a citizen of this State; *provided, further*, that any person shall be deemed to have complied with the property qualification imposed by this section who presents to the directors or judges of election satisfactory evidence that he or she has stock, shares, or ownership in any corporation, firm, or co-partnership which has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which such corporation, firm, or co-partnership pays a tax, even though his or her individual name does not appear upon the tax roll; *provided, further*, that in districts of the third class any head of a family who is otherwise a qualified elector, and having children of school age, may vote at such election with-

\*It is not necessary for electors to register in order to vote at school elections. (L. 1913, Ch. 323, p. 625, § 6.)



out property qualifications. The chairman of any school meeting, or any qualified elector, is hereby authorized to challenge any person who may offer to vote at such meeting. In case an elector has been challenged as disqualified, it shall be the duty of the chairman of such meeting to administer to each person so challenged an oath that he or she will truly answer all questions propounded to him touching his place of residence and qualifications as elector at such meeting, and upon taking which, if the meeting be in a district of the first or second class, he shall interrogate him respecting his citizenship in this State, his age, residence in the district immediately preceding the meeting or election, and whether he has property or shares in a corporation in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax; and if the meeting be in a district of the third class, he shall interrogate him as to whether he is the head of a family, and otherwise an elector, and has children of school age in the district. [L. O. L. § 4089.]

The heirs of an estate, where the property belonging to such estate has been assessed and taxed in the name of the deceased, are not thereby entitled to vote at school district elections, inasmuch as they do not appear by the last assessment roll as having property liable to taxation in the district.—Report of Attorney General, 1913, p. 275.

A man who has no property which is taxable in a district may vote at district elections, if he is the head of the family containing children of school age, but not so, if his wife is the head of a family, instead of the husband. Both may vote if the husband is the head of the family and the wife has property taxable in the district. A school district director must be a legal voter of the district.—Report of Attorney General, 1913, p. 87.

The proper qualification of a school district voter must be shown by the last assessment roll made by the assessor, which assessment is made by the entry in the assessment roll by the assessor, and not on slips or sheet kept by the assessor.

If property is held in the name of both the husband and wife and only the husband's name appears on the assessment roll, he alone can vote at school elections.

The inconclusion of invalid votes at a school district election, simply has the effect to reduce the apparent majority by the number of invalid votes cast, and does not otherwise invalidate the election.—Report of Attorney General, 1913, p. 128.

The qualifications of voters at school elections are provided by Section 167, School Laws of 1911, and the qualifications of any voter may be challenged by the chairman of the meeting, or any other voter. When challenged, the voter must answer on oath as to his qualifications.—Report of Attorney General, 1913, p. 218.

The constitutional provision fixing the qualifications of voters (Section 2, Art. II, Const. Or.), does not apply to school elections, and the property qualifications is valid. (Setterlun v. Keene, 48 Or. 520, 87 Pac. 673.)

Ownership of property assessed to another does not qualify a voter. (Setterlun v. Keene, *supra*.)

"The contention that the statute is satisfied if the person offering to vote in fact owns property which is listed on the assessment roll, although it may have been assessed in the name of another, is without merit. The requirement is that he must have property 'as shown by the last county assessment.' The ownership of the property must appear from the assessment and can not be shown by extrinsic evidence." (Setterlun v. Keene, *supra*.)

NOTE.—In the case above cited, the question of a person who holds stocks or shares in a corporation, firm or copartnership was not at issue. Where the name of a corporation, firm or copartnership appears on the assessment roll, any one who presents to the directors or judges of election satisfactory evidence that he has stocks, shares or ownership in such co-partnership is entitled to vote.

Under the constitution the legislature has power to prescribe the qualifications of voters at school meetings and at elections for district officers. (State v.



Hingley, 32 Or. 440, 52 Pac. 89; *Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

A provision that women may vote at school elections is constitutional. (*Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

### § 193. *Voting Wards in Districts.*

School districts of the first class may be subdivided into voting wards by the directors of such district, such wards to conform as near as possible to the city wards comprised in its boundaries. The board of directors of all such districts when so subdivided shall establish at least one polling place in each ward, the judge and clerks of which shall be qualified electors within the provisions of this act, and residents of such ward and each elector shall be required to cast his or her ballot in that ward in which he or she resides. [L. O. L. § 4090.]

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## CHAPTER VIII.

### SCHOOL DISTRICTS.

### § 194. *Division of Counties Into School Districts.*

For public school purposes, each county in the State shall be divided into convenient subdivisions, to be known as school districts, and those corporate bodies now existing in the various counties of the State under the name of school districts are hereby validated, and the boundaries, school offices and official acts of such districts shall be and remain the same as shown by the records of the county superintendents of the several counties of this State, or the records of such districts at the time this act goes into effect, until changed in the manner prescribed in this act. [L. O. L. § 4019.]

Where a school district has been attempted to be formed, and the law in regard to the formation of such district attempted to be complied with, and such district is in the exercise of its legitimate powers, its existence can not be attacked except in a direct proceeding by the State for that purpose. (*School District v. School District*, 34 Or. 97 55 Pac. 98.)

### § 195. *School Districts Classified.*

All school districts now existing, and all that shall hereafter be created under the provisions of this act, shall be classified and known as first class, second class, and third class. The classification shall be made according to the number of children of school age, as shown by the last school census. All districts with one thousand or more children of school age shall be known as districts of the first class. All districts with more than two hundred and less than one thousand children

of school age shall be known as districts of the second class. All districts with less than two hundred children of school age shall be known as districts of the third class. [L. O. L. § 4020.]

When a school census taken in November in any year, in a school district of the third class, shows 200 or more children of school age in said district, such district immediately becomes a district of the second class.—Report of Attorney General, 1913, p. 218.

§ 196. *New Districts—Establishment of by District Boundary Board.*

The district boundary board may establish new districts on the petition of three legal voters of said proposed new districts, and may, at its discretion, upon petition of three or more legal voters interested, change or divide the districts of its county.

When the boundaries of any school district lying in two or more counties are proposed to be changed, in the manner hereinbefore specified, the petition shall first be acted upon by the district boundary board of the county in which lies the greater part of the district proposed to be changed; but, in any such cases, any change of the boundaries in the other county must be concurred in by the district boundary board of that county.

Before any new district shall be established, or change shall be made in the boundaries of any existing district, the superintendent shall cause to be posted in three public and conspicuous places in such proposed district, or in each of the existing districts, at least ten days before action is taken, as herein provided, written or printed notices of the boundaries of the proposed new districts, or the changes to be made in the boundaries of any existing district, and of the session of the board when the same will be done.

No district shall be organized unless it contains at least ten children of school age, and no district shall continue to be a legally organized district unless it has at least six children of school age.

When changes are made in the district boundaries as heretofore set forth, or when any district shall be divided into two or more parts for school purposes, the existing board of directors shall continue to act for both, or all, the new districts or parts of districts until such districts or parts of districts shall have been regularly organized by the election of directors and clerks, as provided by law. [L. O. L. § 4021.]

See note to Section 44.

School districts, containing less than six children of school age, have no authority of law to vote taxes, build school houses, etc. (Report of Attorney General, 1911, p. 74.)



Where the school census of 1908 was less than six children of school age, but the census for 1909 shows six, or more, children of school age, the district is immediately reinstated, after the taking of the later census. The school clerk's annual report is the basis for apportionment of the school fund by the county school superintendent for the year following such annual meeting and report.—Report of Attorney General, 1911, p. 81.

Under the provisions of this section, providing that the district boundary board may, at its discretion, on petition of three or more legal voters, change or divide the districts of its county, and that the superintendent shall cause to be posted, etc., notices for the proposed change, an affidavit of the posting of the notices made by the superintendent and filed in his office, was sufficient proof of the posting, no statute requiring such proof to be made in any particular manner. (*Nicklaus v. Goodspeed*, .... Or. ...., 108 Pac. 135.)

Under this section relating to formation of new school districts and division of assets, and providing that assets shall include all school property and moneys belonging to the district at the time of division, the proceeds of a special tax for building and repairing collected before the division, is included in the assets to be divided, and it is immaterial whether the amount due the new district is paid from the proceeds of the tax or from other funds. (*School District v. School District*, 53 Or. 33, 98 Pac. 523.)

If the proceeds of such tax was a trust fund, it would still be impressed with the trust in the hands of the new district and its payment to the new district would not be a diversion contrary to Section 3, Art. IX, Const. Or., providing that every law imposing a tax shall state distinctly the object of the same to which only it shall be applied. (*School District v. School District*, *supra*.)

A district boundary board may allow a petition changing the boundaries of a bonded district, provided the amount of property remaining in the district is adequate to secure the outstanding bonds.—Report of Attorney General, 1913, p. 265.

The boundary board of the county is authorized to divide school districts, or change the boundaries thereof in said county, upon the petition of three legal voters interested, although all of such voters reside in one of the districts to be affected.—Report of Attorney General, 1913, p. 438.

### § 197. *Division of Assets Between Districts Affected.*

The respective boards of directors of all the districts concerned shall immediately after such organization make an equitable division of the then existing assets and liabilities between the old and the new, or between the districts already existing and affected by such change; and in case of a failure to agree within ten days from the time of such organization the matter shall be decided by a board of arbitrators chosen by the directors of the several districts concerned. The arbitrators' decision shall be final, except that it may be reviewable by writ of review, as the decisions of other inferior tribunals are reviewed. The said board of arbitrators shall consist of three members, of whom the county superintendent shall be a member and *ex officio* chairman.

Each member of the board of arbitrators, except the county superintendent, shall be entitled to the sum of \$2.00 per day for each day's service, and necessary traveling expenses, while sitting in their official capacity, and expenses thus incurred shall be equally apportioned among the several districts concerned. Assets shall include all school property and moneys belonging to the district at the time of the division. Liabilities shall include all debts for which the districts in their corporate capacity are liable at the time of division.

In determining the assets, school property shall be estimated at its present cash value. The assets and liabilities shall be



divided between the districts in proportion to the last assessed value of the property, real and personal, and the district retaining the real property, shall pay to the other district or districts concerned such sum or sums as shall be determined in accordance with the provisions of this section; *provided*, that all funds to be apportioned during the current school year, after said division, shall be made in proportion to the number of persons in each district between the ages of four and twenty years who are actual residents of such parts of said districts divided, as shown by the clerk's last annual report of such districts. [L. O. L. § 4022.]

On the organization of a new school district from a part of an old district, the adjustment of assets and liabilities is to be made on the basis of the assessment roll last completed, and if such organization takes place in August, the last assessment roll is that of the year before, not the one then in process of making.—Report of Attorney General, 1913, p. 224.

When changes are made in the boundaries of school districts which have a bonded indebtedness, such liabilities should be considered by the respective boards of directors or board of arbitrators in adjusting the assets and liabilities, as the taxes levied to pay off such indebtedness is charged only against the property thereafter appearing on the tax roll as being in such district.—Report of Attorney General, 1913, p. 198.

#### § 198. *Territory Must Be Contiguous.*

All school districts formed by the district boundary board shall be formed of contiguous territory. [L. O. L. § 4023.]

#### § 199. *District in Two or More Counties.*

Where the public good requires it, a school district may be formed of adjacent territory lying in two or more counties; and it shall be the duty of the clerk in such district to report annually to each superintendent having jurisdiction, and such clerk shall include in such report the number of scholars residing, and the total number of days' actual attendance of such scholars, in each county. Said clerk shall be entitled to draw for the benefit of his district that portion of the public school fund due said district from each county.

A certificate received from the superintendent of either county in which such district may be situated shall be sufficient to enable such teacher in such district to draw pay out of the common school fund; *provided*, that such teacher before beginning school shall present for record his or her certificate in the superintendent's office of each county in which said joint district may be located. [L. O. L. § 4024.]

#### § 200. *Organization New Districts—Notice to Be Posted—Quorum—Notice to Be Published, When.*

1. The taxable inhabitants of a newly-established district receiving a notice from the county superintendent, as provided by law, shall immediately write and post up three

notices in public places in the district, notifying the citizens thereof to assemble at some convenient place for the purpose of organizing such district, and electing three directors and a clerk, to serve the remainder of the school year, or until their successors are chosen and qualified. When three or more voters have assembled pursuant to notice, they shall constitute a quorum to do business, and shall have power to do all business done at annual school meetings; *provided*, that at least ten days' notice shall be given for all meetings called in pursuance of this act; *provided, further*, that in all districts of the first and second class this notice shall be duly published in one or more newspapers of such district, or, in case no such newspaper is published in said district, then notices shall be posted as hereinbefore provided.

#### *Organization.*

2. Such meeting shall organize by appointing a chairman and secretary, and then may proceed to elect by ballot three directors, who shall hold their offices until their successors are elected and qualified. Such meeting shall also elect a district clerk, who shall hold his office until the first annual meeting thereafter, or until his successor has been chosen and qualified.

#### *Directors and Clerks to Qualify—Clerk's Bond—Oath.*

3. The directors and clerk elected at the first meeting shall qualify immediately, by taking an oath to support the laws and Constitution of the United States and of the State of Oregon, and to faithfully discharge the duties of their offices to the best of their ability; and the clerk shall give a bond to the directors for such sum as they may require as additional pledge for the faithful performance of his duties. The chairman of the meeting, or any one he may choose, shall administer the oath of office to the directors and the clerk-elect.

#### *Power of Directors and Clerk.*

4. The directors and the clerk elected and qualified, as aforesaid, shall have the same power and shall perform the same duties hereafter required to be performed by directors and clerk elected at annual meetings of regularly organized districts.

#### *Election of Directors.*

5. At the first regular election of such district after its organization there shall be elected, by ballot, three directors, for one, two, and three years, respectively, and the ballot



shall specify the term for which each is to be elected. In case of a tie, the matter shall be decided by lot. [L. O. L. § 4025.]

The corporate existence of a school district created and organized under color of law, and in the exercise of its corporate powers, cannot be attacked except in a direct proceeding instituted by the State for that purpose. (School District v. School District, 34 Or. 99, 55 Pac. 98.)

#### § 201. *Are Bodies Corporate.*

All school districts now existing, or that shall be organized in pursuance of this act, shall be to all intents and purposes bodies corporate, competent to transact all business coming under their jurisdiction, and sue and be sued. When suit is commenced against a district, notice must be served on one of the directors. [L. O. L. § 4026.]

#### § 202. *Consolidation of School Districts—Call for Election.*

Whenever two or more contiguous school districts in this State shall desire to consolidate, for the purpose of forming one district, a petition from each such district shall be presented to the district boundary board of the county in which the largest district shall be situated, setting forth specifically the districts it is proposed to consolidate. Such petition, if from a district of the first class, must contain the signatures of at least one hundred legal school voters; if from a district of the second class, at least fifty legal school voters, and if from a district of the third class, must contain at least five legal voters, and shall request the district boundary board to submit, at the next annual meeting thereafter, to the legal voters of the several districts, the question of the consolidation of such districts. Upon receiving such petition, the district boundary board shall within ten days so notify the district school board of each of the districts designated by the petition. Each district school board receiving such notice shall cause its district clerk to publish, as a part of the notice for the next succeeding annual meeting, that a vote will be taken at such annual meeting upon the question of consolidation of the districts designated in the notice from the district boundary board, which districts shall be specifically designated in the notice for the meeting. [L. O. L. § 4027.]

#### § 203. *Conduct of Election.*

The vote upon the question of consolidation shall be by ballot, and the ballots shall have written or printed upon them, "For consolidation—Yes"; "For consolidation—No"; and the chairman of the meeting shall appoint two tellers, who shall receive and count the ballots; *provided*, that in districts of



the first class the judges shall be appointed in the manner now prescribed by law. The district clerk, or a person authorized by the board to act as such, shall keep a poll list, and record thereon the name of each person voting upon such question at such meeting before such vote is received by the tellers. After all legally qualified school electors present have voted, if they so desire, the chairman shall declare the vote closed, and the tellers or judges shall proceed to count the vote in the presence of the chairman. [L. O. L. § 4028.]

§ 204. *Return and Canvass of Vote.*

The district clerk shall keep a tally sheet of the votes as counted by the tellers, which tally sheet shall be certified to as correct by the clerk and signed by the chairman and tellers. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the name of the county in which it is situate, and the date on which said election is held. Such sealed package, together with a statement of the result of said election, signed by the chairman and the district clerk, shall be forwarded by the district clerk, within five days after said election, to the district boundary board, directed to the county school superintendent, as a member thereof. The district boundary board shall, within ten days after the receipt of the sealed returns from such election, open the same and proceed to canvass the vote. [L. O. L. § 4029.]

§ 205. *Declaring Result—Effect.*

If the board shall determine from the returns that a majority of all votes cast in each of the said districts is in favor of consolidation, it shall immediately notify the district school board of each district concerned of the result of such election. Within ten days from the date of such notice, the district boundary board shall consolidate all said districts into one district, the limits and boundaries of which shall conform to and be the same as the limits and boundaries of the territory included in all of the districts thus consolidated. If the district boundary board shall determine that less than a majority of all the votes cast in any one of the said districts is in favor of consolidation, then said board shall notify each of the district school boards concerned that the proposition to consolidate is defeated. After such district boundary board shall have canvassed the vote on the proposition to consolidate, the county school superintendent shall preserve in his office the ballots, tally sheets, and poll lists in their original envelope for a period of one year. [L. O. L. § 4030.]

§ 206. *Location of School Site.*

If, after consolidation, such consolidated district is a district of the first class, the location of school site shall be located as now provided by law. If, after consolidation, the district is a district of the second or third class, the school site for one year after consolidation shall be located by the district school board of the newly consolidated district, and, in case such school board shall be unable to agree, the question shall be submitted to the district boundary board for settlement, and the decision of the district boundary board shall be final. [L. O. L. § 4031.]

§ 207. *Title to Property.*

All the property, real and otherwise, belonging to the districts within the corporate limits of said consolidated district shall become the property of said consolidated district, and be subject thereafter to the control of the district school board of said consolidated district, chosen in accordance with this act. [L. O. L. § 4032.]

§ 208. *Classification of Consolidated Districts.*

All districts formed under the provisions of this act shall be classed as districts of the first, second, or third class, according to the provisions now in force for the classification of school districts. [L. O. L. § 4033.]

§ 209. *Board in Consolidated Districts of First Class.*

If such consolidated district, at the time of consolidation, shall contain enough children of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year, to be chosen as follows: The directors of the most populous district, of which said newly consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board of such newly consolidated district until the first annual meeting after the consolidation, when there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting after such election; *provided*, that if the said most populous district was a district of the first class at the time of consolidation, there shall be elected at the first annual meeting



after consolidation but one director, and said director is to hold office for five years. [L. O. L. § 4034.]

§ 210. *Board in Other Consolidated Districts.*

If said consolidated district, at the time of consolidation, shall not contain enough persons of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of three members, chosen as follows: The directors of the most populous district of which said consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board of said consolidated district until the first annual meeting after consolidation, when there shall be elected one director, to hold office for three years. [L. O. L. § 4035.]

§ 211. *Further of Officers in Consolidated Districts.*

After the election of members of the board of directors, under this act, but one director shall be elected each year, and all vacancies in the board shall be filled as provided by law. When consolidation of two or more districts has been effected, according to the provisions of this act, the terms of the school officers of said districts shall expire on the date of consolidation, except those of the most populous district of said districts. [L. O. L. § 4036.]

§ 212. *Consolidated Districts Subject to Same Rules as Others Except as to Apportionment of Funds.*

All districts formed under the provisions of this act shall be bodies corporate, and shall have all the powers and duties and shall be subject to the same restrictions as now provided by law for the class of districts to which said districts may respectively belong, in consequence of the number of children of school age within such consolidated district, except that for the five years immediately following the consolidation, the county school superintendent shall, at the time he apportions fifty (50) dollars to each district, as now required by law, apportion to all consolidated districts formed under the provisions of this act, as many times \$50 as there were districts consolidated. [L. O. L. § 4037.]

§ 213. *Officers of District—Number—Classification.*

1. The officers of a district of the first class shall consist of five directors and a clerk, and of all districts of the second and third class shall consist of three directors and a clerk, and in all cases shall be elected by ballot.



*Term Begins, When.*

2. The term of office of all district school officers shall begin on the day of election, and they must qualify before assuming the duties of their office, and within thirty days after their election, by taking the usual oath of office, and shall serve until their successors are elected and qualified.

*District School Officer—Eligibility.*

3. No person shall be eligible to a district office who shall not be at the time of his election a legal voter\* for a school officer in such district. [L. O. L. § 4038.]

\*For qualification of voters, see Section 192.

*§ 214. District Must Hold Six Months of School Each Year—Not Entitled to Fund, When.*

Districts shall not be entitled to their proportion of the county school fund at the disposal of the county superintendent, unless they shall report to him within fifteen days after the annual school meeting, and shall have had a school taught in their districts at least six months in each school year; *provided*, that a new district shall not be required to have a school taught, as aforesaid, for the space of one year from the date of its organization.

The provisions of this section shall first apply to the school year beginning June 20, 1909, and ending June 17, 1910. [L. O. L. § 4039.]

A school district fulfills the requirements of the law to hold six months' school, by holding three months' school in one part of the district and three months in another part. — Report of Attorney General, 1913, p. 189.

Where the board of directors of a school district, by authority of the electors thereof, arranges for the teaching of the pupils of said district, in the schools of another district, and the transportation of such pupils, the time covered by such arrangement is included in the period of six months during which each school district is required to be maintained.—Report of Attorney General, 1913, p. 76.

A county school superintendent cannot be compelled by mandamus to make an apportionment of the school fund among the several school districts of a county until such districts, or at least some of them, have made report as required by law. (State v. Bryan, 26 Or. 502, 38 Pac. 618.)

*§ 215. Percentage of Tax Applied to Salaries.*

At least eighty-five per cent of the amount received from the county school tax and the irreducible school fund shall be applied on the teachers' salaries, and no part of said eighty-five per cent shall be applied for fuel, expense of lawsuits, chalk, brooms, blackboards, erasers, stoves, or other apparatus necessary for the use of schools, nor for repairs or furnishing school houses, nor in paying interest or principal on bonds issued by the district; *provided*, that should any district fail to apply at least eighty-five per

cent, received from the county school tax and the irreducible school fund, on teachers' salaries, the unexpended balance shall revert to the general county school fund of the county, and the clerk of said school district shall report the amount of said unexpended balance in his first annual report thereafter to the county superintendent, who shall place the said unexpended balance to the credit of the county school fund and charge the same to said district as a part of the first succeeding year's apportionment thereafter. [L. O. L. § 4040.]

A school district may contract with another district to teach the children of the first district, and by so doing does not forfeit its right to receive State and county school funds, but 85 per cent of such fund must be used for teachers' salaries or revert to the county school fund. It cannot be spent in building a school house.—Report of Attorney General, 1913, p. 209.

§ 216. *Illegal Contracts With Teachers—Certificate Revoked.*

No district shall enter into a contract with any teacher whereby said teacher shall return to said district, either directly or indirectly, any part of the five-mill county school tax, or the irreducible school fund apportioned to said district; and should any board and teacher enter into such contract, said contract shall not be deemed legal, but void in whole, and the teacher's certificate shall, if it be a county certificate, be revoked by the county school superintendent, and, if it be a State certificate or diploma, be revoked by the State Board of Education, when the fact shall be duly ascertained, after a trial conducted as hereinbefore provided for revocation of teacher's certificate. [L. O. L. § 4041.]

§ 217. *Levy and Collection of School Tax—Amount.*

For the purpose of creating a county school fund, the county courts of the several counties of this State are hereby required to levy at the same time other taxes are levied, a tax for school purposes upon all the taxable property of the county, which aggregate an amount which shall produce at least eight dollars per capita for each and all of the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which said taxes shall be collected at the same time, in the same manner, and by the same officers as other taxes are collected; *provided*, that the per capita amount so levied in any county shall not be less than the per capita amount of the school tax levied in the county for the year 1910. [L. O. L. § 4042; L. 1911, Ch. 84, p. 125, § 1.]

The county court cannot lawfully take a part of the county school fund and put it into the general fund, as that would be contrary to Section 3, Article IX of the Constitution.—Report of Attorney General, 1913, p. 210.



§ 218. *Levy to be Made by County Court on Failure of District.*

In case a district does not levy a special tax of at least five mills on the dollar for maintenance for the ensuing year, or that will produce an amount sufficient to give the district for such maintenance the difference between three hundred dollars and the amount received from the county school fund, as provided for in Section 217, or fails to report the same to the county clerk and county school superintendent, as required in Section 223, it shall be the duty of the county court of the county in which said district is located to levy, at the same time it levies other taxes, a tax on all the taxable property of said district that will produce an amount sufficient to give to the district for maintenance for the ensuing year the difference between three hundred dollars and the amount received, or to be received, by said district for the ensuing year, from the county school fund as provided for in Section 217; *provided*, that such levy by the county court shall not exceed five mills on the dollar. [L. O. L. § 4043.]

Section 25, Subdivision 2, School Laws of 1909, requires the raising and receiving by each school district of at least the sum of \$300 for each school year, and if any district saves out \$100 of such money raised during any one year, the same cannot be applied on the \$300 to be raised for the ensuing year, but at least \$300 must be raised and received by the district for each year.—Report of Attorney General, 1913, p. 59.

§ 219. *County to Make Apportionment up to \$300.*

In case the amount apportioned to any school district from the county school fund, provided for in Section 217, and the special district school tax provided for in Section 218, do not amount in the aggregate to the sum of three hundred dollars, the county court of the county in which such district is located shall, on the first Monday in October of each year, transfer from the general fund of the county to the special school tax fund of such district such an amount as may be necessary to make said sum of three hundred dollars. The county court shall include in its annual tax levy for county purposes a sufficient amount to meet the requirements of this section. [L. O. L. § 4044.]

Section 4045, L. O. L., has been repealed by implication in Section 223 this compilation, and districts should report their tax levies to the county clerk and the county assessor on or before the first day of December.

§ 220. *School Superintendents to Make Estimates.*

The county superintendent shall, on the third Monday in December of each year, make the estimates to meet the requirements of Section 218, and report the same to the county court; and, he shall also on the third Monday in December of each year, make the estimates to meet the requirements



of Section 219, and report the same to the county court. [L. O. L. § 4046.]

§ 221. *Levy in Case of Joint District.*

In the case of a joint district, the amount of tax to be levied as required by Section 218, and the amount to be transferred as required by Section 219, shall be in such ratio to the whole amount to be levied or transferred for such district as the assessed valuation of such district lying within the county bears to the assessed valuation of the whole district. [L. O. L. § 4047.]

§ 222. *All Taxing Public Corporations to Levy on Property Shown by Roll—Clerk to Furnish Certificates of Taxable Property.*

All the taxes hereinafter levied by any incorporated city or town, school district, road district, port, or other municipal taxing agency, or district, shall be levied on the property therein respectively assessable upon the valuation of such property as shown by the assessment roll last compiled by the assessor, corrected, and equalized by the county board of equalization, and including entries therein of assessments as certified by the State Board of Tax Commissioners and apportioned to such municipalities by the county clerk. And it shall be the duty of the county clerk in each of the several counties, upon the application of the clerk or board of school directors of any school district, and of any road supervisor, or of any three resident freeholders of any road district, or of the recorder, auditor, or clerk, or common council, board of directors, or trustees or other governing body of any incorporated city or town, port, or other municipal taxing district or agency, to furnish a certificate, under the seal of the county court, showing the aggregate valuation of the assessable property in the school district, road district, incorporated city or town, port, or other taxing district or agency, from which such application shall have been made. [L. O. L. § 3670.]

It is the duty of the county assessor to correctly show on the assessment roll the location of property as to school districts at the time when he completes and turns over the roll to the county clerk, including any changes in districts. The showing of districts does not refer to March first, but to the time of completing the assessment.—Report of Attorney General, 1913, p. 211.

§ 223. *District to Notify County Clerk and Assessor of Tax Levy.*

It shall be the duty of every school district, and each incorporated town and city, and of each public corporation authorized to levy a tax, to notify, in writing, the county clerk and

the county assessor of the county within which the school district, town, city or public corporation is situated of the rate per cent of the tax levy made by it, on or before the first day of December in each year, which notices shall be kept on file by the several county clerks and county assessors, and remain a part of the records of their respective offices. [L. 1913, Ch. 184, p. 330, § 12.]

§ 224. *Levy Terminate With Even Mills.*

All counties, cities, school districts, and other corporations which are vested with the power of levying taxes, shall make their total levy terminate with even mill or mills, or in fractions of one-tenth of one mill. [L. O. L. § 3665.]

§ 225. *Irreducible School Fund.*

The irreducible school fund of this State shall be composed of the proceeds of the sales of the sixteenth and thirty-sixth sections of every township of this State, or of any lands selected in lieu thereof; all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devices and bequests made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purpose of such grant shall not be stated; all proceeds of the sale of tide and overflow lands, and all the proceeds of the sale of the five hundred thousand acres of land to which this State is entitled by an act of Congress approved September 4, 1841, and all lands selected for Capitol building purposes under act of Congress approved February 14, 1859; and all the proceeds as aforesaid shall be set apart as a separate and irreducible fund, to be called the "irreducible school fund," the interest of which shall be exclusively applied to the support and maintenance of common schools in each school district in this State; *provided, however*, that all lawful claims for repayment of moneys out of escheated estates and for attorney's fees and all other expenses in any suit or proceedings relating to escheated estates shall be audited by the State Land Board and paid from said fund principal. [L. O. L. § 3913.]

§ 226. *Investment of Irreducible School Fund.*

All moneys belonging to the irreducible school fund, university fund or agricultural college fund shall be loaned by the State Land Board at six per cent per annum interest, payable semi-annually; *provided, however*, that if at any time



there be a surplus of either of these funds over and above all loans applied for, the State Land Board may, in its discretion, invest such portion of said surplus as in their judgment they may deem proper, in bonds issued by school districts in the State of Oregon, the legality of such bonds to be approved by the Attorney General; and *provided further*, that the State Land Board may require the State Treasurer to deposit any such surplus until it is able to loan the same in qualified State depositories upon the same terms and conditions as other public funds are deposited therein, in which event any interest received from any such State depository shall be credited to the particular fund on which such interest was earned. [L. 1913, Ch. 259, p. 499, § 1.]

§ 227. *Interest on Fund to be Divided Among Counties.*

The State Land Board shall on the first day of August of each year, and oftener if deemed advisable, divide the interest on hand arising from the irreducible school fund among the several counties of this State in proportion to the number of children resident therein between the ages of four and twenty. The amount apportioned to each county shall be placed in the custody of the county treasurer, who shall report the same to the county superintendent of common schools for distribution among the several school districts of his county. [L. O. L. § 3925.]

§ 228. *Annual Exhibit of Funds.*

The county treasurer of each county shall make annual exhibits of all school funds coming into and paid out of the treasury. He shall also retain and produce all the superintendent's orders by him paid off, on the yearly settlement with the county superintendent. [L. O. L. § 4048.]

§ 229. *Existing Indebtedness Valid and May be Funded.*

All indebtedness now outstanding, whether evidenced by bonds, orders, warrants, or otherwise, of any school district in this State, be and the same is hereby declared legal and valid, and said districts are hereby authorized to fund said indebtedness by the issuance of negotiable bonds, in the manner now provided by law. [L. O. L. § 4049.]

§ 230. *School Month—Legal Holidays.*

The common school month shall hereafter consist of twenty (20) days and no school shall be open in any district for the purpose of ordinary instruction on any Saturday, or on



any legal holiday, or in any county during the time of holding the annual county institute therein. The following days shall be, and are hereby declared, legal holidays in this State, viz.: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving, or holiday; *provided*, that when holidays occur during a session of school, teachers shall be allowed full pay for such holidays. [L. O. L., § 4050.]

Whenever any legal holiday other than a Sunday falls upon Sunday, the Monday following shall be observed as such holiday (Section 6026, Lord's Oregon Laws), which applies to public schools, since the school law provides that no school shall be open in any district for the purpose of ordinary instruction on any legal holiday in public schools.—Report of Attorney General, 1913, p. 93.

That part of this section referring to the twenty-second day of February is repealed by Section 232.

The day upon which the direct primary election is held throughout the State is a legal holiday. (Report of Attorney General, 1907, p. 237.)

Teachers in public schools are entitled to full pay for holidays occurring during the time of their employment, whether their salary is expressed at so much per month or so much per day. — Report of Attorney General, 1909, p. 42.

#### § 231. *Lincoln's Birthday.*

The twelfth day of February of each year shall be and the same is hereby set apart and declared to be a legal holiday under the name and title of Lincoln's Birthday. [L. 1913, Ch. 94, p. 158, § 1.]

#### § 232. *Washington's Birthday.*

The twenty-second day of February of each year shall be and the same is hereby set apart and declared to be a legal holiday under the name and title of Washington's Birthday. [L. 1913, Ch. 94, p. 158, § 2.]

#### § 233. *Columbus Day.*

The twelfth day of October of each year shall be and the same is hereby set apart and declared to be a legal holiday under the name and title of Columbus Day. [L. 1913, Ch. 94, p. 158, § 3.]

#### § 234. *Not School Holidays.*

The days referred to in Sections 231, 232, and 233 shall not be school holidays, but a portion of each of said days shall be set apart and be observed in the public schools of the State by appropriate exercises. [L. 1913, Ch. 94, p. 158, § 4.]

§ 235. *Free Text-Books.*

The board of any school district may upon its own motion, and shall upon the petition of five legal voters of any school district of the third class and upon the petition of 25 legal voters of any school district of the second class, or upon petition of 100 legal voters of any school district of the first class, call an election at any annual or special meeting of the voters of the district "for" or "against" free text-books and the ballots to such effect shall be received and canvassed at such election, and if a majority of all the votes cast upon the measure shall be found to be in favor of free text-books it shall be the duty of the school board of such districts to purchase at the expense of such district all the text-books required for the use of all the pupils attending school in such school district, and such text-books shall be loaned free of charge to the pupils of all schools in the district using regularly the text-books adopted by the Oregon Text-book Commission and, except in districts of the first class, following the State's course of study. The books to be subject to such rules and regulations as to care and custody as the board shall prescribe; *provided*, that the vote shall be taken upon free books for grades below the high school. [L. 1913, Ch. 268, p. 507, § 1.]

§ 236. *Board Shall Appropriate Funds.*

When any district has so decided by vote of its electors to furnish free text-books to loan to the pupils the school board of said district shall raise and appropriate annually, in the same manner as other school money shall be raised and appropriated in such district, an amount sufficient to purchase text-books needed for all the students who attend school in said district. [L. 1913, Ch. 268, p. 508, § 2.]

§ 237. *Books Shall Be Disinfected.*

The school board shall, at the beginning of each school term, cause all books to be thoroughly disinfected in accordance with rules prescribed by the State Board of Health. [L. 1913, Ch. 268, p. 508, § 3.]

§ 238. *Copy of Contract and Bond—Action.*

Every contract made with the State, county, school district, municipality, municipal corporation or subdivision shall contain a condition that the contractor shall promptly, as due, make payment to all persons supplying to such contractor labor or material for the prosecution of the work provided for



in such contract, and that said contractor shall not permit any lien or claim to be filed or prosecuted against the State, county, school district, municipality, municipal corporation or subdivision, for account of any labor or material furnished, and a penal bond, with good and sufficient sureties, shall be required of each and every such contractor, to secure the faithful performance of all of the usual or particular obligations of such contract, especially the conditions herein mentioned, and every such contract shall contain a condition that no person shall be employed for more than eight hours in any one day, or forty-eight hours in any one week unless in case of emergency when no other competent labor is available, and in such cases such laborer shall be paid double wages for all overtime. [L. 1913, Ch. 61, p. 90, § 1.]

§ 239. *Copy of Contract and Bond—Action.*

Any person who has supplied labor or material under the conditions herein provided, on making application to the proper officer in charge of such contract, together with a showing under oath what relation such person bears to such contract or its performance, shall receive a certified copy of such contract and bond, as herein provided; and is hereby authorized to institute an action against said contractor and sureties on his own relation, but in the name of the State of Oregon or the county, school district, municipality, municipal corporation, or other subdivision concerned, and to prosecute the same to final judgment and execution, for his own use and benefit, as the fact may appear. [L. 1913, Ch. 61, p. 90, § 2.]

§ 240. *Cancellation of Contract.*

Every such contract herein referred to shall contain a condition that the contract may be cancelled at the election of the State, county, school district, municipality, municipal corporation, or other subdivision concerned, for any wilful failure or refusal on the part of the contractor to faithfully perform the contract according to its terms as herein provided. [L. 1913, Ch. 61, p. 91, § 3.]

§ 241. *Hours of Labor.*

In all cases where labor is employed by the State, county, school district, municipality, municipal corporation, or subdivision, either directly or through another, as a contractor, no person shall be required or permitted to labor more than eight hours in any one day, or forty-eight hours in any one week, except in cases of necessity, emergency, or where public

policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed; and no emergency, necessity, or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available. [L. 1913, Ch. 61, p. 91, § 4.]

§ 242. *Eight Hours a Day's Labor.*

Eight hours shall constitute a day's labor in all cases where the State, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly, by contract with another. [L. 1913, Ch. 61, p. 91, § 5.]

§ 243. *Penalties.*

All contractors, sub-contractors, or agents, or persons whatsoever in authority or in charge, who shall violate the provisions of this act as to the hours of employment of labor as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined, in a sum of not less than fifty dollars nor more than one thousand dollars, or with imprisonment in the county jail for a period of not less than five days nor more than one year, or by both such fine and imprisonment, in the discretion of the court. [L. 1913, Ch. 61, p. 91, § 6.]

§ 244. *Bond Shall Be Furnished.*

Hereafter any person or persons, firm or corporation, entering into a formal contract with the State of Oregon, or any municipality, county, or school district within said State, for the construction of any buildings, or the prosecution and completion of any work, or for repairs upon any building or work, shall be required before commencing such work, to execute the usual penal bond with good and sufficient sureties, with the additional obligations that such contractor or contractors shall promptly make payments to all persons supplying him or them labor or materials for any prosecution of the work provided for in such contracts; and any person or persons making application therefor, and furnishing affidavit to the proper officer of such State, county, municipality, or school district, under the direction of whom said work is being or has been prosecuted, that labor or materials for the prosecution of such work has been supplied by him or them, and payment for the same has not been made, shall be furnished with a certified copy of said contract and bond, upon which said person or persons supplying such labor or materials shall have a right of action, and shall be authorized to bring suit in



the name of the State of Oregon, or any county, municipality, or school district within such State for his or their use and benefit against said contractor and sureties, and to prosecute the same to final judgment and execution; *provided*, that in case the contractor shall fail to pay for such work and materials, and said officers of the State of Oregon, or any such municipality, county, or school district within said State, shall fail or neglect to require the persons, firm, or corporation entering into such contract, to execute such bond, then and in that event, if such contract shall have been entered into with the State of Oregon, the State of Oregon and the officers authorizing such contract shall be jointly liable for the labor and materials used in the prosecution of any work thereunder, or in case such contracts shall have been entered into on behalf of any municipality, county, or school district within the State of Oregon, then and in that event, such municipality, county, or school district and the officers authorizing such contract shall be jointly liable for such labor and materials to the persons performing such labor and the persons furnishing such materials. [L. 1913, Ch. 27, p. 59, § 1.]

§ 245. *Districts in Newly Formed Counties.*

The county courts of all of the counties affected by the formation of the new county, or by a change in county boundaries, shall immediately after such segregations, re-district their county into districts provided for by law, and shall fill the vacancies occasioned by such segregation in the manner provided for by law for filling vacancies. [L. 1913, Ch. 10, p. 27, § 16.]

§ 246. *Districts Re-numbered.*

School districts and road districts within the county or counties affected by proceedings under this act, shall be re-numbered so as to make their number in each county run consecutively, and the numbers of existing school districts may when necessary be changed to effect that purpose. [L. 1913, Ch. 10, p. 27, § 17.]

§ 247. *Liable For Payment of Bonds.*

When the boundaries of any school district have been changed under the provisions of this act, that portion of such district in which the school house and other property remain, shall be liable for the payment of bonds, if any have been issued by such school district, and if such portion shall have been attached to another district, the school district to which

such portion has been attached shall be liable for the payment of the bonds, if any have been issued, of the school district to which such portion formerly belonged. [L. 1913, Ch. 10, p. 27, § 18.]

§ 248. *Bonds Not Invalidated.*

The validity of bonds issued by any school district prior to the division of any county under this act, or prior to the change of county boundaries, under this act, shall in no wise be affected by such division nor by the re-numbering of the school districts that may have issued such bonds. [L. 1913, Ch. 10, p. 27, § 19.]

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## CHAPTER IX.

### DISTRICTS OF THE FIRST CLASS.

§ 249. *Districts Consolidated.*

Whenever the school population of any city or incorporated town shall exceed one thousand, as shown by the school census made by the clerk of the largest and most populous district in such city or town, the district boundary committee shall consolidate all districts and parts of districts within such city or town into one school district of the first class, and the limits and boundaries of such school district shall conform to and be the same as the limits and boundaries of such incorporated city or town; *provided*, that in all cases when any part of any school district shall be included in any such incorporated city or town, and a part thereof shall not be so included at the time this act shall take effect, such parts of such school districts as lie without the boundaries of said city or town shall continue to be a part of such school districts until such time as the boundary board shall otherwise provide. [L. O. L. § 4091.]

§ 250. *Change in City Limits, Effect of.*

When the limits or boundaries of any incorporated city or town containing a district of the first class are changed according to law, then the boundaries and limits of the school districts therein shall be deemed to have been changed also, so as to conform to the new limits and boundaries of such incorporated city or town. [L. O. L. § 4092.]

A change in the school districts to conform to the boundaries of a city authorizes the proper authorities to readjust and make division of the assets and funds the same as when districts are formed or changed by petition. (*School District v. Lambert*, 28 Or. 217, 42 Pac. 221.)



§ 251. *Board of Directors, When Districts Consolidated.*

The directors of the largest and most populous district within said corporate limits shall, with such others as are elected in pursuance of this act, be the board of such new district organization, and all the property, real and otherwise, belonging to districts or parts of districts within said corporate limits shall become the property of such new district, and be subject thereafter to the control of the board of directors of such largest and most populous district; but the new board may provide, for a period not exceeding three years from the date of such consolidation, for the free tuition of all pupils living within the boundaries of such parts of such consolidated districts which are beyond the said limits, unless such parts are sooner erected into new districts or are attached to other districts. [L. O. L. § 4093.]

§ 252. *Election of Directors—Allotment of Terms.*

At the first regular election in any district created as provided in Section 249, there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting of the board after such election. [L. O. L. § 4094.]

§ 253. *Places of Election—Judges and Clerks.*

It shall be the duty of the school directors of the oldest organized district affected by this act to designate the polling places and name the judges and clerks to serve at the first election under this act, and the board of such oldest directors shall also canvass and declare the results of such election. [L. O. L. § 4095.]

§ 254. *Notice of Elections—Allotment of Terms.*

Whenever the school population of any district shall reach one thousand or more, as shown by the annual census of the school clerk of the district, the board of directors of such district shall give notice that at the next election three directors are to be elected, who shall serve three, four, and five years respectively, the term of each to be determined by lot at the first regular meeting of the board after such election; and from and after such election such district shall be of the first class, and shall have a board composed of five directors, and otherwise be subject to the special laws and provisions of districts of the first class. [L. O. L. § 4096.]

§ 255. *One Director Elected Each Year.*

After the first election of members of the board of directors under this act, but one shall be elected each year and all vacancies in the board shall be filled as provided by law. [L. O. L. § 4097.]

§ 256. *Number of Directors—Districts of First Class.*

In all organized districts of the first class the board of directors shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year as hereinafter provided. [L. O. L. § 4098.]

§ 257. *Time of Election.*

The election for members of the board of directors in all organized districts of the first class shall be held each year, at the time and in the manner provided by law for districts of the first class. [L. O. L. § 4099.]

§ 258. *Existing Districts Continued.*

All districts formed under the provisions of an act entitled "An Act to organize school districts in incorporated towns of ten thousand inhabitants, and to provide for the maintenance and government of public schools therein," are hereby continued as districts of the first class, and shall be considered as already organized as such, and the present officers of such districts shall continue in office during the terms for which they were respectively elected, and no new directors shall be elected, except as provided for in Section 255. [L. O. L. § 4100.]

§ 259. *Clerks—Authority of Board Concerning.*

School clerks in districts of the first class shall be deemed officers of the board of directors, which board shall have authority to elect them, prescribe their duties, fix their compensation, and determine the manner of its payment, and to fix the amount of their bonds. [L. O. L. § 4101.]

§ 260. *Duties of the Board in Districts of the First Class.*

The duties of the district school board in districts of the first class shall be:

1. To employ a city superintendent of schools for the district, and to fix his term of office and compensation;
2. To employ teachers, janitors, carpenters, etc., and to fix their compensation;



3. To prescribe courses of study and make rules and regulations for the government of said district;

4. When in their judgment more systematic grading of their school requires it, to choose text-books in addition to those already authorized by the State; *provided*, that such choice shall be made at the same time as that now prescribed by law for the choice of text-books for the State; and the result of their choice shall be regularly reported to the State Board of Education, to be by them filed as in the case of other authorized text-book selections;

5. To create a board of examiners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which such district may be located shall be the *ex officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided, further*, that the holder of a valid certificate may be employed without further examination, at the option of the board;

Subdivision 5 is repealed by implication by L. 1911, ch. 58.

6. To lease and build school houses, to buy and lease lands for school purposes, and to furnish their school houses with proper furniture, libraries, light, fuel, apparatus, etc., and to sell and convey such lands and other property belonging to the district as may not, in their judgment, be required for school purposes;

See note to Section 273, *post*.

7. To provide for polling places in each ward in such city for all school elections, to appoint judges and clerks, and to canvass all votes and poll books, and determine the result thereof;

8. To make an annual printed report to the taxpayers of said district;

9. To determine who are non-resident pupils and to fix the rates of tuition for such non-resident pupils;

10. The district school board of any school district of the first class may, upon the petition of not less than one hundred qualified electors of such school district, provide that in one or more of the common schools, to be kept in such district, any one modern language may be taught as a branch study, and a teacher employed in such school shall be educated in such language and qualified to teach the same;

11. To provide and maintain a continuation evening school, and to fix the hours during which such school shall be in session and to fix the length of term for said school; *provided*, that the length of term shall be not less than one-third that of the day session in such city; to employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if in their judgment there is sufficient demand to justify such provisions; to fix, within the limits above mentioned, a course of study required for graduation from the evening high school to admit any person, not receiving instruction in the day session for the public schools, without restrictions as to age or citizenship; *provided*, that no person shall be received who is not a resident of said district, except as provided in tuition clause of this act. [L. O. L. § 4102; L. 1911, Ch. 211, p. 336, § 1.]

§ 261. *Regular Meetings of Board.*

The board of directors of such district must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto, and it may be convened upon written or printed notices issued by the school clerk by order of the chairman, or upon the united request of three members of the board. [L. O. L. § 4103.]

§ 262. *Quorum.*

A majority of the board of directors shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the presence of absent members. [L. O. L. § 4104.]

§ 263. *Rules of Proceeding.*

The board of directors of such district may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal upon any question before it. [L. O. L. § 4105.]

§ 264. *Regular Meeting After Election.*

On or before the tenth day next following any regular or special election for school officers, there must be a regular meeting of the board, at which time the newly elected officer or officers shall enter on their duties. [L. O. L. § 4106.]



§ 265. *Qualification of Voters.*

Any person, male or female, who is a qualified voter\* at school elections shall be eligible to the office of school director in such districts. [L. O. L. § 4107.]

§ 266. *Director Only Officer to Be Elected.*

At such general or special elections in such districts, the only officer voted for shall be director. [L. O. L. § 4108.]

§ 267. *Authority to Create Debt.*

The board of directors of such district are authorized to contract an indebtedness for the district for school purposes, but such indebtedness shall at no time exceed in the aggregate more than \$100,000; *provided*, that in cities of less than seventy-five thousand inhabitants, they shall not contract any indebtedness exceeding five per. centum of the value of the taxable property of the district. [L. O. L. § 4109.]

§ 268. *Interest on Warrants.*

No warrants drawn on the school fund in such district shall draw interest before or after presentation to the school clerk. [L. O. L. § 4110.]

§ 269. *Bids for Supplies.*

In all such districts, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings, or improvements or repairs to the same, will equal or exceed the sum of \$500, it shall be the duty of said board to give due notice by publication in at least one daily newspaper published within said corporate limits, of their intention to receive bids for such lot of furniture, stationery, etc., and they shall determine the specifications for such bids and appoint the time and place for opening of all bids, which shall be public; and it shall be unlawful for any member of the school board to bid or to be an interested party in any bid before such board. [L. O. L. § 4111.]

§ 270. *Course of Study.*

The course of study shall be under the entire control of the board of directors. [L. O. L. § 4112.]

§ 271. *Taxes, Assessment and Levy.*

The mode and manner and the times for assessing and collecting the taxes in such districts shall be the same as now provided for by law. [L. O. L. § 4113.]

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\*A "qualified voter" is defined in Section 192.

§ 272. *Reports of Clerks.*

It is hereby made the duty of all clerks of districts of the first class, whose districts lie partly within and partly without any incorporated city or town, to make to the county school superintendent of the county containing such incorporated city or town a segregated report at the time now provided for by law, showing the number of persons of school age in their respective districts living within, and also the number of persons of school age living without such incorporated city or town. [L. O. L. § 4114.]

§ 273. *What Provisions in Act Apply in Districts of First Class.*

All provisions of this act concerning the duties and powers of school directors and school clerks in districts other than of the first class, which do not conflict with the express provisions of this chapter, shall be considered to apply to the officers of districts of the first class. [L. O. L. § 4115.]

The board of directors of a school district of the first class has authority to build a school house whenever funds are available for that purpose and such school building is necessary, but the said board of directors have no authority to incur an indebtedness for that purpose without it first being authorized by the legal voters of the district. The board of directors of a district of the first class may create an indebtedness and issue negotiable interest-bearing warrants or notes for temporary purposes, but for the purpose of permanent improvements, the question should be submitted to the electors of the district as to whether the indebtedness should be incurred.—Report of Attorney General, 1911, p. 34.

## SCHOOLS WITH 20,000 CHILDREN.

§ 274. *Board May Establish Schools.*

In every school district of this State having now or hereafter a population of 20,000 or more children of school age the board of directors shall have power to establish and maintain elementary schools, high schools, manual training schools, vocational schools, schools of trades, evening schools and schools for deaf and backward children; to fix the days of the year and the hours of the day when such schools shall be in session; to admit to such schools, in addition to the persons now provided for by law, such other persons as they may deem advisable; to prescribe text-books and courses of study for the use of such schools and to change the same whenever in the judgment of the board a change is desirable; *provided*, that any text-books once adopted and in use shall not be changed for a period of four years. [L. 1913, Ch. 258, p. 499, § 1.]



§ 275. *Trade Schools in Districts of 20,000.*

The school board of school districts within the State of Oregon containing twenty thousand inhabitants and upwards are hereby authorized to provide trade schools for the training of dependent girls in the industrial arts as a part of the common school system, and to provide for the complete care, support, and maintenance of such girls during the period of their said training, not to exceed two years. Said district school boards are hereby authorized to acquire such property, real and personal, as may be necessary or convenient for conducting said trade schools and for the proper place of abode for the pupils thereof, and are authorized and directed to provide sufficient and wholesome food and necessary wearing apparel, and to completely care for, support, and maintain the pupils of said schools during the period of their attendance, and to provide everything necessary to carry out the purposes of this act. [L. 1913, Ch. 41, p. 74, § 1.]

§ 276. *Dependent Girls.*

Any girl between the ages of fourteen and eighteen years who is a dependent child within the meaning of the law relating to dependent children within the State of Oregon, and especially a dependent child as defined by Section 4406 of Lord's Oregon Laws, shall be deemed a dependent girl within the meaning of this act. [L. 1913, Ch. 41, p. 74, § 2.]

§ 277. *What Girls May Be Admitted.*

No girl under the age of fourteen years and over the age of eighteen years shall be received as a pupil in any such trade school except that the school board having jurisdiction may in extraordinary cases to prevent hardship, within its discretion, allow the admission to such trade schools of dependent girls under the age of fourteen or over the age of eighteen years. [L. 1913, Ch. 41, p. 74, § 3.]

§ 278. *Course of Instruction—Rules.*

The said district school boards shall prescribe the course of instruction to be given in such trade schools and make and enforce such rules and regulations pertaining to the conduct thereof and the discipline of its pupils as it may from time to time deem proper, having in view the enabling of such pupils to become self-supporting and useful citizens at the earliest time compatible with their welfare and that of the public. [L. 1913, Ch. 41, p. 74, § 4.]

§ 279. *Committee to Examine Applicants.*

Each of said district school boards establishing a trade school, as herein provided, is authorized and required to appoint a committee of not less than three or more than five members who shall serve without compensation and during the pleasure of the school board, and shall be chosen in such manner as said board may prescribe, to examine and make inquiry concerning all applicants for admission to said trade schools. Such committee, subject to the direction of said school boards, may admit or reject any applicant, except that any person possessing the qualifications herein prescribed and recommended for admission to any such trade school by any juvenile court or any protective organization recommended by the juvenile court shall be admitted to any such trade school without further examination or inquiry. [L. 1913, Ch. 41, p. 75, § 5.]

§ 280. *District School Board Is Guardian.*

During the entire time any dependent girl shall remain in any such trade school she shall be under the care and authority of the district school board and shall be subject to such rules of order and discipline as said board shall establish or prescribe, and the said school board shall be deemed, for all purposes, the guardian of the person of the pupils of said trade school during their continuance therein. [L. 1913, Ch. 41, p. 75, § 6.]

§ 281. *Costs, How Paid.*

All costs and expenses incurred in carrying out the provisions of this act shall be paid out of the common school funds to which under the laws of the State of Oregon the district in which any such trade school shall be established may be entitled. [L. 1913, Ch. 41, p. 75, § 7.]

§ 282. *Districts With 20,000 Persons—Teachers in.*

The board of directors of every school district in this State now having or which at any time hereafter shall have a population of 20,000 or more persons shall have the power and authority to appoint and remove, hire and discharge all teachers, officers, agents and employees as it may deem necessary, and to fix their compensation. The population of any school district in this section referred to shall be determined by any State or Federal census which has been or which may be hereafter taken, or such population may be



determined in any other manner satisfactory to its board of directors in case a majority thereof believe the population of any such district has increased to 20,000 or more persons since any such census has been or may be taken. It being intended hereby that all school districts which do not now contain 20,000 or more persons shall come within the provisions of this act at any time hereafter when such is the case. [L. 1913, Ch. 37, p. 69, § 1.]

§ 283. *"Teachers" Defined.*

The word "teacher or teachers" as used in this act shall include supervisors and principals and instructors who are in the employ of the school district or districts specified in this act. [L. 1913, Ch. 37, p. 69, § 2.]

§ 284. *Dismissal of Teacher—Notice.*

The teachers employed in any such district or districts, during their first two years of service shall be classed as probationary teachers. The board of directors may dismiss a teacher at any time during the probationary period upon cause deemed sufficient by the board; *provided*, if during the probationary period it is proposed to dispense with or discontinue the services of any teacher on such list at the conclusion of a school year, such teachers shall be served with a written notice to that effect at least two and one-half ( $2\frac{1}{2}$ ) months before the expiration of his or her contract; or in case no contract is entered into, then such notice shall be served at least two and one-half ( $2\frac{1}{2}$ ) months before the close of the then current school year. However, no teacher on the probationary list may be dismissed simply on account of friction between her and her principal without giving her a fair opportunity with one other principal. [L. 1913, Ch. 37, p. 69, § 3.]

§ 285. *Permanently Employed Teachers.*

Teachers who have been employed in the schools in any such district or districts as regularly appointed teachers for not less than two successive annual terms shall by the board of directors be placed upon the list of permanently employed teachers. [L. 1913, Ch. 37, p. 70, § 4.]

§ 286. *Not Subject to Annual Appointments.*

Teachers so placed upon such list shall not be subject to annual appointment, but shall continue to serve until dismissed or discontinued in the service by the board in

the manner herein provided, subject to the rules of the board concerning suspensions, but such rules shall be reasonable and for the good of such schools. They shall serve in such positions and shall be subject to such assignments and transfer as the board may from time to time determine, or as may be provided for in its rules. [L. 1913, Ch. 37, p. 70, § 5.]

§ 287. *Dismissal of Teacher—Hearing.*

Before being dismissed any teacher on the permanent list shall receive written notice, stating the reason for the proposed dismissal, together with a copy of any charges or complaints which may be filed against him or her, and upon written request filed with the clerk the teacher shall be entitled to and given a hearing before the board within ten days after said notice, with full benefit of witnesses and subpoenas issued in blank by and over the hand of the clerk therefor and the right to be represented by counsel. Of any such hearing such teacher and each member of the board shall have due notice not less than three days before the date set for the hearing, and such hearing may be continued from time to time on account of sickness or absence of material witnesses. [L. 1913, Ch. 37, p. 70, § 6.]

§ 288. *Notice to Teacher.*

When it is proposed to dispense with or discontinue the services of any teacher on such list at the conclusion of a school year, such teacher shall be advised of such proposed action at least two and one-half ( $2\frac{1}{2}$ ) months before the expiration of such school year. Notice of such proposed dismissal shall be ordered by the board and prepared and signed by the clerk and served on such teacher in writing and shall advise such teacher of the proposed action and all reasons therefor. A copy of such notice together with a fair record of all action and proceeding in relation thereto shall be retained as a record in the office of said clerk. Such teacher shall be entitled to a hearing on such proposed action as above provided. [L. 1913, Ch. 37, p. 70, § 7.]

§ 289. *Complaints Shall Be in Writing.*

All complaints and criticisms made against any teacher on such list shall be in writing and signed by the person preferring the same and filed with the clerk of such board, and the same may be inspected at any time during office hours by such teacher or any other person. [L. 1913, Ch. 37, p. 70, § 8.]



§ 290. *Testimony, Oral—Fees.*

No testimony shall be received or considered at any hearing herein provided for unless the same is given orally before such board by a witness who is under oath or affirmation. Such oath or affirmation may be administered by the clerk thereof. Any witness who being under oath, shall at any hearing herein provided for, make false oath to any matter under inquiry shall be guilty of perjury and punished accordingly. Any person who has been subpoenaed to appear as a witness before said board, and who shall fail to attend in obedience to such subpoena may be arrested and punished as for contempt in a court for like disobedience to a subpoena issued out of such court. Witnesses so subpoenaed shall be entitled to the same mileage and per diem as witnesses in a civil case in the circuit courts of the county, where such district or districts are located, said fees to be paid by the person causing such witnesses to be called. [L. 1913, Ch. 37, p. 71, § 9.]

§ 291. *Permanent Teachers, Who Are Eligible.*

All teachers who shall have been employed in such district or districts two or more years prior to the first day of July, 1913, shall be eligible to re-election as permanent teachers, and all such teachers who shall be re-elected for employment by the board for the school year beginning in September, 1913, shall be permanent teachers under the provisions of this act. [L. 1913, Ch. 37, p. 71, § 10.]

§ 292. *General Laws Apply.*

All acts and parts of acts in conflict herewith are hereby repealed. *Provided, however,* that all general laws of this State relating to public schools shall be applicable to districts under this act except in so far as the same may be in conflict with the provisions hereof. [L. 1913, Ch. 37, p. 71, § 11.]

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## CHAPTER X.

§ 293. *Women Eligible to Educational Offices.*

Women over the age of twenty-one years who are citizens of the United States and of this State, shall be eligible to all educational offices within the State. [L. O. L. § 4116.]

## CHAPTER XI.

## \*COMPULSORY EDUCATION.

§ 294. *Children Between Ages of Nine and Fifteen.*

Every parent, guardian, or other person in the State of Oregon having control or charge of any child, or children, between and including the ages of nine and fifteen years of age, shall be required to send such child, or children, to the public schools for a term or period of not less or more than the number of months of public school held annually in the district in which such parent, guardian or other person in parental relation may reside; *provided*, that in the following cases, children shall not be required to attend public schools:

The statute providing for compulsory education of children between and including the ages of nine and fifteen years of age, Section 1, Chapter 243, Laws of 1911, includes from the day when the child is nine years of age to the day when it is fifteen years of age, and does not include the year between its fifteenth and sixteenth anniversary.—Report of Attorney General, 1913, p. 138.

(a) Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school, such branches as are usually taught in the first eight years in the public schools, or has, or have already acquired the ordinary branches of learning taught in such schools, the fact of which acquisition of such ordinary branches of learning by such child, or children, shall be determined by the school board in charge of the public school in such district;

(b) Any child, or children, who is, or are, physically unable to attend school. In such cases the truant officer shall require a written statement of a competent physician certifying that such child, or children, is, or are, physically unable to attend school;

For child labor law, see Laws 1911, Ch. 138, p. 185.

This section amends by implication section 4 of the child labor law found in Laws of 1911, Chapter 138, p. 186. the act amending the compulsory educational law being filed later than the act amending the child labor law.

(c) Children between the ages of nine and ten years of age whose parents live more than one and one-half miles, and children over ten years of age whose parents live more than three miles, by the nearest traveled road, from some public school; *provided*, that if transportation is furnished pupils in said district this exemption shall not apply.

(d) Any child, or children, who is, or are, being taught for a like period of time by the parent, or private teacher such sub-

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\*Sections 4338-4345, of Lord's Oregon Laws, provide for compulsory attendance of pupils eligible to school maintained by the United States.



jects as are usually taught in the first eight years in the public school, but before such child, or children, can be taught by a parent or private teacher, such parent or private teacher must receive written permission from the county superintendent, who is hereby authorized to grant such permission only in case of necessity and such permission shall not extend longer than the end of the current school year. Such child, or children, must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If after such examination the county superintendent shall determine that such child, or children, is or are not being properly taught then the county superintendent shall order the parent, guardian or other person in parental relation to send such child, or children, to school the remainder of the school year. Failure on the part of the parent, guardian or other person in parental relation to comply with the order of the county superintendent shall render such person liable to the penalty provided for in this act. [L. O. L. § 4119, L. 1911, Ch. 243, p. 428, § 1.]

§ 295. *Penalty.*

In case any parent or other person in parental relation shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be liable to a fine of not less than \$5.00 nor more than \$25, or by imprisonment in the county or city jail not less than two nor more than ten days, or by both such fine and imprisonment, in the discretion of the court. [L. O. L. § 4120.]

§ 296. *District Boundary Board to Appoint Truant Officer.*

(a) It shall be the duty of the district boundary board of each county to appoint one person to act as truant officer for the districts of the second and third class for said county, said truant officer to be under the control and direction of the district boundary board. The truant officer so appointed in counties of less than one hundred thousand inhabitants shall also act as probation officer for the juvenile court of said county and shall see that the child labor law is enforced in said county. The truant officer shall receive as compensation for his services the sum of three dollars (\$3.00) per day for actual services and necessary traveling expenses. Such compensation shall be allowed and paid in the same manner as the salaries of county officers are paid.

(b) It shall be the duty of the district school boards in districts of the first class to appoint truant officers as herein-

after provided. In districts of the first class it shall be the duty of the police authorities, at the request of the district school board of any such district, to detail one or more members of such police force to perform the duties of truant officer, but this provision shall not be construed as prohibiting such board of education from appointing any citizen, not a police officer, a truant officer. When the district school board of such district appoints a truant officer other than a police officer, said board shall fix the compensation for such truant officer and pay such officer from the public school fund of the district. The compensation for police officers shall be allowed and paid in the same manner as other incidental expenses are allowed and paid for by the city; *provided*, that no truant officer shall receive pay for services as truant officer until he shall have filed with the auditing officer or board, as may be directed, an itemized statement of time actually employed in such service; and if the service rendered was in a district of the first class the itemized statement must be approved by the city superintendent of schools of said district.

(c) The district boundary board shall upon written application from the school board in any district of the second class grant such district permission to proceed according to paragraph (b) of this section. [L. O. L. § 4121, L. 1911, Ch. 243, p. 429, § 2.]

§ 297. *County Superintendent to Furnish List of Teachers.*

It shall be the duty of the county superintendent of schools to furnish each truant officer of his county, at the opening of the schools, with a list of teachers and principals employed in his district in districts of the second and third class. [L. O. L. § 4122.]

§ 298. *Truant Officer to Notify Parent.*

In case any parent or other person in parental relation shall fail to immediately send the child, or children, under his or her control, to the public school, as provided for in Section 294, the truant officer, upon having notification from the proper authority of such fact, shall immediately and within twenty-four hours thereafter give formal written notice in person or by registered mail, to the parent or other person in parental relation, that the child, or children, under his or her control, shall present himself or themselves at the public school on the next school day following the receipt of such notice, with the necessary text-books for instruction in the public school or schools of the district. Said notice shall inform the parent or other person in parental relation that



attendance must begin and that such attendance at school must be consecutive during the remainder of the school year as taught in the district. The truant officer shall, at the same time the said formal notice is given to the parent or other person in parental relation, notify the principal or teacher if it be in a district of the third class, or city superintendent or principal if it be in a district of the first or second class, of the fact of notice, and it shall be the duty of such teacher, superintendent, or principal to notify the truant officer of the failure on the part of the parent or other person in parental relation to comply with said notice. [L. O. L. § 4123, L. 1911, Ch. 243, p. 430, § 3.]

*§ 299. Truant Officer Shall File Complaint.*

It shall be the duty of the truant officer, after having given the formal notice hereinbefore described, to determine whether the parent or other person in parental relation, so notified has complied with such notice, and in case he shall find that such parent or other person in parental relation has failed to comply, it shall be the duty of such officer to immediately and within three days after having knowledge of such failure, or after being notified thereof, to make a complaint against said parent or other person in parental relation having the legal charge and control of such child or children before a justice of the peace whose office is situated nearest the place where such parent or person in parental relation resides, and within the county of such residence for such refusal or neglect to send such child or children to school. Said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any parent or other person in parental relation for violation of this act, said parent or other person in parental relation shall be punished according to the provisions of Section 295. [L. O. L. § 4124.]

*§ 300. Truant Officer Shall Investigate Truancy Cases.*

It shall be the duty of the truant officer in districts of the first class whenever notified by the teacher, superintendent, or other person of the violation of this act, and of the truant officer in the districts of the second and third classes when notified by the county school superintendent, to investigate all truancy or non-attendance at school, and if the child or children are not exempt from the provisions of this act under the conditions named in Section 294, then he shall immediately proceed as provided in Sections 299 and 300. [L. O. L. § 4125.]

§ 301. *School Officers—Violations of This Act—Penalty.*

It shall be the duty of all school officers, superintendents, teachers and other persons upon whom a duty is placed by this act, to render such assistance and furnish such information as they may have at their command to aid such truant officers in the performance of their official duties. And should any board, officer, principal, school clerk, teacher or person upon whom a duty is placed by this act neglect to perform any duty or duties that are so imposed upon him, any taxpayer or person having parental relation to any child or children in the district may make a complaint against such board, officer, principal, teacher or person before a justice of the peace and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any such board, officer, principal, teacher or other person for a violation of this act said officer, principal, teacher or other person shall be fined not less than \$5.00 nor more than \$20 for each offense. [L. O. L. § 4126.]

§ 302. *District Clerk to Provide Teachers With Census.*

In all school districts of the second and third classes it shall be the duty of the district school clerk to provide the teacher or principal at the commencement of school, in his district, with a copy of the last school census, together with the names and addresses of all parents and persons in parental relation, also the name and address of the county school superintendent. The teacher or principal shall, at the beginning of the school term and every four weeks thereafter, compare said census list with the enrollment of the school or schools under his or her charge and shall report to the secretary of the district boundary board the names and postoffice addresses of parents or other persons in parental relation whose child or children of the ages hereinbefore mentioned is or are not in regular attendance at school, and also the name or names of such child or children, and it shall be the duty of the district boundary board to forthwith notify the proper truant officer of such non-attendance or irregularity of such children. [L. O. L. § 4127.]

§ 303. *Districts of First Class—Clerk Shall Provide Superintendent With Census.*

In all districts of the first class the clerk of the district school board shall, at the commencement of school, furnish a copy of the last school census to the city superintendent or



the principal of the schools in such districts, together with the names and addresses of the truant officers whose jurisdiction is in the district, and it shall be the duty of the city superintendent or principal at the opening of school and every four weeks thereafter, to compare said census list with the enrollment of the school, or schools, and to report to the proper truant officer the names and addresses of any parent or persons in parental relation whose child or children of ages hereinbefore mentioned, are not in regular attendance at the public schools, and also the name or names of such children; *provided*, that, should a school census be taken in a school district of any class while a school is in session in such district, it shall be the duty of the clerk of such district to provide, within ten days after the completion of said census, the principal or superintendent with such school census in accordance with the provisions of Sections 302 and 303. [L. O. L. § 4128.]

§ 304. *To Estimate Attendance.*

In estimating regular attendance, as required in Sections 302 and 303, the principal or teacher must [count] all absences, unless such absences were excused; *provided*, that no excuse shall be accepted by any principal or teacher unless such absence was caused by the pupil's sickness or by the sickness of some member of the pupil's family, rendering it impossible for such pupil to attend school during said time. Eight unexcused one-half day absences in any four weeks the school may be in session in such district shall be called irregular attendance. [L. O. L. § 4129.]

§ 305. *Deaf and Blind—How Law Applies.*

The provisions of this act shall apply to the children entitled under existing statutes to attend school at the institution for the deaf and dumb, or the institute for the blind, so far as the same is properly enforceable. Truant officers shall at the beginning of each school month report to the county judge of their respective counties the names, ages, and residence of such children between the ages of eight and eighteen years, with the names and postoffice addresses of their parents, guardians, or the persons in charge of them; also a statement whether the parents, guardian, or person in charge of such child is able to educate and is educating the child or whether the interests of the child will be promoted by sending it to one of the State institutions mentioned. Upon information thus or otherwise obtained, the county judge may fix a time when he will hear the case, whether any such child,

or children, required to be sent for instruction to one of the State institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer, or some other suitable person, to bring the child before such judge at his office at the time fixed for the hearing and shall also issue an order on the parent, guardian, or person in charge of the child to appear before him at such hearing, a copy of which order in writing shall be served personally on the proper person by the truant officer, or other person ordered to bring the child before the judge. If on the hearing, the county judge is satisfied that the child is not being properly educated at home and will be benefited by attending one of the State institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing and the transporting of the child to the State institution shall be paid by the county in the manner provided where a child is committed to a State reform school, if the parent or guardian is financially unable to defray the said cost; *provided*, nothing in this section shall be construed and require the trustees of either of the State institutions mentioned to receive any child not suitable to be received and instructed therein under the laws, rules and regulations governing such institution. [L. O. L. § 4130.]

§ 306. *Joint Districts.*

In the administration of all sections of this act, except Section 305, the territory embraced in joint districts shall be deemed to lie in the county in which the school house of such district may be located. [L. O. L. § 4131.]

§ 307. *Disposition of Fines.*

All fines collected under the provisions of this act shall be paid to the county treasurer and by him placed to the credit of the school district wherein such parent or parents, guardian or other person having such charge shall reside. [L. O. L. § 4132.]

§ 308. *Malicious Prosecution.*

If upon the trial of any offense as charged herein, it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant and collected as fines in other cases. [L. O. L. § 4133.]

§ 309. *Superintendent of Public Instruction to Provide Blanks.*

It shall be the duty of the Superintendent of Public Instruction to furnish all blanks necessary for the execution of the provisions of this act. [L. O. L. § 4134.]



## CHAPTER XII.

## SCHOOL LIBRARIES—OREGON STATE LIBRARY.

§310. *How Constituted.*

The Governor shall appoint one person, who with the Governor, Superintendent of Public Instruction, president of the State University, and librarian of the Library Association of Portland shall constitute the Oregon Library Commission. The member appointed by the Governor shall be appointed for a term of five years from the first day of June, 1905, and all subsequent appointments shall be for the term of five years, except appointments to fill vacancies, which shall be made by the Governor for the unexpired term. [L. O. L. § 4360.]

§ 311. *Library Commission Changed to State Library.*

The library known as that of the Library Commission shall hereafter be known and designated as the State Library and the Library Commission shall be known and designated as the Trustees of the State Library, and all laws now in force relating to the Library Commission, the manner and personnel of its constitution, its duties and appropriations made for it, shall apply to and be enforced by the Trustees of the State Library; the secretary of the commission shall become librarian of the State Library, and the provisions relating to the secretary of the Library Commission shall be applicable to the librarian of the State Library. [L. 1913, Ch. 149, p. 264, § 2.]

§ 312. *State Library, Control of.*

The State Library shall be under the control of the trustees of the State Library who shall make all necessary rules for its government, appoint the librarian and assistants, and fix their compensation. [L. 1913, Ch. 149, p. 264, § 5.]

§ 313. *Books Shall be Loaned.*

The books of the State Library shall be loaned free of charge to the people of the State of Oregon through local public and traveling libraries and to individuals upon proper guarantee, in cities without public or traveling libraries and in rural communities. The State Librarian, upon the taking effect of this act, shall also collect and index those public documents which shall be of service to State boards, officials, and commissioners, and for reference work for the members

of the legislature for investigation of public questions. These services shall be rendered in accordance with rules and regulations to be fixed by the trustees of the State Library who shall designate those books which are to be used for circulating and those which are to be kept as a reference collection. [L. 1913, Ch. 149, p. 264, § 6.]

§ 314. *Librarian—Duties of—Maintenance.*

It shall further be the duty of the State Librarian to catalog the books, pamphlets [and] documents herein ordered to be turned over to the State Library and keep them in order for circulation and examination; for that purpose, for the purchase of books for loaning to the people of the State as provided in Section 312, for the purchase of reference books and periodicals for the use of State officers and departments, for the care and distribution of Oregon State Documents, and, in general, for the support and maintenance of a State Library, there is hereby appropriated annually in addition to all sums which have been previously appropriated for the Oregon Library Commission, seventy-five hundred dollars (\$7,500), from any money in the general fund not otherwise appropriated, and any balance not expended for any one year may be added to the expenditure for any ensuing year, and for the year 1913 the full amount of this appropriation shall be available. [L. 1913, Ch. 149, p. 265, § 7.]

§ 315. *Duties.*

The commission shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing, and other details of library management. It may also purchase and operate traveling libraries, and circulate such traveling libraries within the State among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions free of cost, except for transportation, under such conditions and rules as shall protect the interest of the State and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct a summer school of library instruction and a clearing house for periodicals for free gift to local libraries. [L. O. L. § 4361.]

Sections 4362, 4363, 4364, and 4365, refer to expenses, etc., of the commission, and do not have any special bearing on school matters. They are therefore omitted from this compilation.



§ 316. *Library Fund.*

The county court of the several counties of this State which have a population of less than 100,000 inhabitants are hereby required to levy, at the same time they levy other taxes, a tax upon all taxable property in their counties for school library purposes, which shall aggregate an amount which shall be not less than ten cents per capita for each and all the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which shall be collected at the same time, and by the same officers, as other taxes are collected, and such aggregate sum, when so levied and collected, shall be known as the general school library fund of the county, and such fund shall be set aside and used for no other than school library purposes, in the manner hereinafter provided for. [L. O. L. § 4153.]

§ 317. *County Treasurer to Certify to School Superintendent.*

It is hereby made the duty of the county treasurer to certify to the county school superintendent, on the first Monday of July of each year, the total amount in the general school library fund in his hands subject to apportionment by the county school superintendent. [L. O. L. § 4154.]

§ 318. *County Superintendent to Make Apportionment.*

The county school superintendent shall, upon the first Monday of July of each year, make an apportionment of the entire general school library fund, provided for in this act, then in the county treasury, in the following manner: Of the general school library fund collected in pursuance of the general school library levy of the county court he shall apportion to each district in his county that has reported to him according to law, in proportion to the number of persons in each district over four and under twenty years of age, as shown by the last school census. When such apportionment has been made he shall immediately notify the districts of their respective shares and shall also notify the Oregon Library Commission of the amount of money apportioned to each district, and the number of school children in each district. [L. O. L. § 4155.]

§ 319. *Purchase of Books.*

Between the first Monday of July and the first Monday of August in each year, the directors of each district and the county superintendent shall select from the lists prepared and furnished by the Oregon Library Commission and according to the rules of such commission as in Section 320 provided,

such books as are desired for their district, the aggregate mailing price of which shall not exceed the amount apportioned to such district from the general school library fund for the current year, and immediately upon making such selection the county superintendent shall mail a copy of the list so selected to the Oregon Library Commission; *provided*, that if the commission is not notified of such selection by the tenth day of August of each year, the commission shall make the selection for such district. As soon as the commission has obtained lists of books for all school districts selected in the manner above provided, it shall order such books from the dealer or dealers who have agreed to furnish them at the lowest price. At the time of ordering the books the commission shall notify the county superintendent of each county of the amount of money such books as have been ordered for the districts in his county will cost, including expenses of transportation to each district, and upon receipt of such notice each county superintendent shall draw a warrant in favor of the Oregon Library Commission for such amount and transmit the same to the commission, who shall thereupon settle with the dealer or dealers for the books purchased. Upon the delivery of the books so ordered, the commission shall cause them to be distributed to the respective school districts according to the lists furnished by such districts. [L. O. L. § 4156.]

§ 320. *List of Suitable Books—Preparation of.*

It is hereby made the duty of the Oregon Library Commission to prepare annually lists of books suitable for use in school libraries and to make rules regulating selections from such lists. Such lists shall state the retail and mailing price of each book, and said price shall be the lowest obtainable by the commission by receiving bids from more than one responsible dealer. It shall be the duty of the commission to furnish the county superintendent copies of such lists and rules, from time to time as issued, for distribution to school officers. [L. O. L. § 4157.]

§ 321. *Record of Books to Be Kept.*

It shall be the duty of each county superintendent to keep a complete record of the books purchased and distributed by him, together with the purchase price of said books. [L. O. L. § 4158.]

§ 322. *Librarian.*

The county superintendent shall appoint a librarian who shall receive and have the care and custody of the books,



and shall loan them to the teachers, pupils and other residents of the district, in accordance with the rules and regulations prescribed by the Oregon Library Commission for the control and management of school libraries. Each librarian shall keep a complete record of the books furnished by the board of directors. During the periods that the school is in session, the library shall be placed in the school house, and the teachers shall be responsible to the district for its proper care and protection. The district board shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the district. [L. O. L. § 4159.]

### § 323. *Rules and Regulations.*

It is hereby made the duty of the Oregon Library Commission to formulate and prescribe rules and regulations not inconsistent with the provisions of this act for the control and management of all school libraries that may be purchased in accordance with this act. [L. O. L. § 4160.]

## TITLE II

## HIGH SCHOOLS.

## CHAPTER I.

## DISTRICT AND COUNTY HIGH SCHOOLS.

§ 324. *Two Kinds Organized.*

For the purpose of securing greater uniformity and efficiency in the teaching of higher branches in the public schools of this State, it is hereby provided that high schools of two kinds may be organized and maintained; to be known as district high schools and county high schools. [L. O. L. § 4161.]

§ 325. *Submission of Question to Voters.*

When one-third of the legal voters of any school district in this State shall petition the district school board, requesting that a high school be established in such district at a place named in the petition, or whenever the district school board shall, at their discretion, think proper, they shall give twenty days' notice previous to the annual school meeting or previous to a special election called for that purpose, that they will submit the question to the legal voters of said district, whether such high school shall be established and at the place specified, at which election the electors of the district shall vote by ballot for or against establishing such high school. All notices contemplated in this section shall be given as are all legal notices of special school meetings. After said election the said ballots on said question shall be canvassed by the district school board, and if a majority of all the votes cast shall be in favor of establishing a high school, it shall be the duty of said board to establish such high school, provide for its maintenance, and select suitable teachers for its various grades. [L. O. L. § 4162.]

§ 326. *District School Board to Control.*

The district high school, being a part of the public school of the district, shall be under the control and management of the district school board, in the same way and to the same extent as it is provided by law that the lower grades of the district school shall be. The district school board shall have power to use any part of the county or State school funds, or any funds raised by taxation of the district, for the neces-



sary expenses of the high school; *provided*, that none of the funds of any district shall be used for the purpose of maintaining a high school, unless said district shall also maintain at least eight months' instruction each year in the lower grades of the school system of this State. [L. O. L. § 4163.]

### § 327. *Free to What Pupils.*

All district high schools shall be free to all pupils of school age in such district who pass, or may have passed successfully the eighth grade uniform final examinations. [L. O. L. § 4164.]

Under the provisions of the union high school act of 1907, a district maintaining a high school is not required to admit a non-resident pupil into such high school upon the receipt only of the amount apportioned from the State and county fund for each pupil to the district where such pupil is enumerated. Such provision applies only to union high schools, and not to district high schools.—Report of Attorney General, 1909, p. 191.

A school board cannot charge tuition to high school pupils who reside in the high school district, for the reason that they did not take the course of study just exactly as prescribed by the authorities. It is not within the power of the board to fix fees or different regulations, even though a pupil did not take the four years' course prescribed. A high school is free to all pupils residing in the district.—Report of Attorney General, 1911, p. 84.

Only pupils between the ages of six and twenty-one are entitled to free tuition in high schools under the county high school fund law.—Report of Attorney General, 1913, p. 424.

### § 328. *County High School.*

There may be established in any county in this State one or more county high schools; *provided*, that at any general or special election held in said county, after the passage of this act, a majority of all the votes cast at such election upon the proposition to establish a county high school shall be in favor of establishing and maintaining such county high school or schools at the expense of said county. [L. O. L. § 4165.]

The question of maintaining a county high school must be submitted to the legal voters of any county, upon the presentation of a petition signed by one hundred or more qualified electors, taxpayers of said county.

Either before or after the establishment of a county high school in this manner, the electors of the county may vote to discontinue the maintenance of the high school.

The electors of a county may not initiate a question of discontinuing the high school under the initiative power reserved to the people of municipalities and districts, under Section 1a of Article 4 of the Constitution. (But see decision of the Supreme Court in cases of *Schubel v. Olcott*, 60 Or. 503, decided January 23, 1912.)—Report of Attorney General, 1913, p. 97.

### § 329. *When Question Must Be Submitted to Vote.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by one hundred or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The county court, if they deem it expedient, may order a special election for such purpose. Such election

shall be conducted in the manner provided by law for conducting elections. The ballots for such election shall contain the words, "For County High School—Yes"; "For County High School—No"; and the voter shall indicate his choice as provided in the Australian ballot law. [L. O. L. § 4166.]

§ 330. *County Court Must Establish.*

If the majority of all votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the county court, within thirty days after canvassing said vote, to locate said school in some suitable and convenient place in said county. The county court shall also estimate the cost of purchasing a suitable lot, erecting a building and furnishing the same for the accommodation of such school, with the cost of conducting such school for the next twelve months; *provided*, that the county court, or the high school board, as herein constituted, may rent suitable rooms for the accommodation of the school. If rooms can be obtained in the public school buildings in the place in which said school shall be located, they shall be given the preference; *provided further*, that said board may contract with the board of directors of any district in the county that now maintains, or may hereafter maintain, a school of high school grade to teach all county high school pupils at such a rate per capita, or in the aggregate, as they may deem right and just, and shall pay for the same out of the high school fund. [L. O. L. § 4167.]

The county high school board is authorized and required to locate the county high school authorized by a vote of the electors of the county, and such location is not affected by the county high school fund law, nor the Act of 1907, page 39, providing for the location of county high schools where the county high school board had refused to act prior to that time.—Report of Attorney General, 1913, p. 48.

§ 331. *Special Tax to Be Levied.*

When such estimate shall have been made, the county court shall thereupon proceed to levy a special tax upon all the assessable property of the county sufficient to raise the amount estimated as necessary for purchasing a lot, procuring plans and specifications, erecting a building and furnishing the same, fencing and ornamenting the grounds, and the cost of running the said school for the next twelve months; or, if in their judgment not expedient to buy or build, they shall levy for a sum sufficient to cover the cost of conducting the county high school in connection with some contracting public school, as hereinbefore provided. Said tax shall be computed, entered upon the tax roll and collected, in the same manner as other



taxes are computed, entered, and collected, and the amount so collected shall be known and designated as the "county high school fund," and shall be deposited in the county treasury, and shall be drawn therefrom as hereinafter provided. [L. O. L. § 4168.]

§ 332. *Conveyance to County High School Board.*

When the county court shall have properly provided and completed the building, together with the necessary fencing of the lot so provided, they shall cause the same to be deeded to the county high school board, as hereinafter provided, who shall hold the same in trust for the county. [L. O. L. § 4169.]

§ 333. *Board, How Constituted.*

Whenever it has been decided by any county at any election to maintain a county high school, a county high school board shall be organized, consisting of the county judge and the two county commissioners, the county treasurer, and the county school superintendent, who shall act in their official capacity as such board, the county judge to be *ex officio* chairman, and the county school superintendent *ex officio* secretary. The members of the board shall serve without compensation. [L. O. L. § 4170.]

§ 334. *Duty of Board.*

It shall be the duty of the county high school board to furnish annually to the county court an estimate of the amount of money needed to pay the running expenses of said school; to employ suitable teachers, janitors, and other employees, and discharge such teachers and employees when deemed advisable by them, and to do any and all other things necessary to the proper conduct of the school. [L. O. L. § 4171.]

§ 335. *County High School Fund.*

It shall be the duty of the county court to include in their annual tax levy an amount sufficient to maintain the county high school, and such amount, when collected, shall be paid into the county treasury, and shall be known as the "county high school fund," which fund shall be in the charge and custody of the treasurer of the county, and may be drawn therefrom in the following manner for the purpose of defraying expenses of conducting the said county high school: The high school board shall draw their order on the county court, which order shall be signed by the president and secretary of

such board, whereupon the county court shall issue a warrant against the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [L. O. L. § 4172.]

§ 336. *Board May Establish More Than One School.*

In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school. [L. O. L. § 4173.]

§ 337. *Principal of High School May Be Principal of District School.*

Nothing in this act shall be construed so as to prevent the principal of the high school from acting as principal of the public school of any district in which a high school is located, if so desired by the directors of such district. [L. O. L. § 4174.]

§ 338. *Course of Study.*

The course of study for high schools in this State shall embrace a period of four years above the eighth grade of the public schools of this State, and shall contain two years of required work, which shall be uniform in all high schools of the State. Such course of study for the two years of required work shall be laid down by the Superintendent of Public Instruction, after due consultation with all county and district high school boards in the State. The course of study for the two years of optional work in all high schools shall be laid down by the county high school board in the county or the district school board in case of district high schools, after due consultation with the State Superintendent of Public Instruction; *provided*, that in any high school of this State it may be provided by the directors thereof that all or part of the two years of optional work in the high school course shall be devoted to industrial training. In high schools where industrial training is made part of the course, the required studies, and industrial training may be interspersed throughout the four years' high school work, as may be deemed best by the board of directors of such school. [L. O. L. § 4175.]

§ 339. *High School Diplomas.*

Upon the completion of the four years' course in any high school in this State, and upon passing successfully the required



examination, any pupil shall be granted a diploma or certificate, to be known as a State high school diploma; *provided*, that this section shall not be so construed as to prevent any high school from issuing a certificate or diploma to its graduates who have attended such school less than four years; but on all such certificates or diplomas shall be plainly written the number of years of high school work required for graduation by the school issuing the same. [L. O. L. § 4176.]

§ 340. *Text-Books.*

All the text-books used in the two years' required work in high schools in this State shall be selected by the State Text-Book Commission. [L. O. L. § 4177.]

§ 341. *County High Schools to Be Free.*

All county high schools in this State shall be free to all pupils of school age in such county who pass or may have passed successfully the eighth grade uniform final examinations. [L. O. L. § 4179.]

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## CHAPTER II.

### UNION HIGH SCHOOLS.

§ 342. *Name of Act.*

This act shall be known as the Union High School Law. [L. O. L. § 4192.]

§ 343. *Meaning of "Regular School District."*

When used in this act the term regular school district means all districts heretofore organized, or those hereafter organized by the district boundary board; and union high school districts those formed in accordance with the provisions of this act; and legal voters those who can legally vote for school officers in their respective districts. [L. O. L. § 4193.]

§ 344. *Two or More Districts—How United.*

Whenever it is desired to unite two or more contiguous school districts or parts of districts in this State for high school purposes only, a petition from each district shall be presented to the district boundary board setting forth specifically the districts or parts of districts it is proposed to consolidate, and also the site for the location of the union high school building. If the petition is from a district of the

first-class it shall contain the names of not less than one hundred legal voters; if from a district of the second-class, not less than twenty-five legal voters; if from a district of the third-class, not less than one-third of the legal voters; if a part of a district is included in the petition, the petition shall be signed by at least one-third of the legal voters residing in such part of the district. Said petition shall request the district boundary board to direct the school boards of each district designated in the petitions to state in the notice for the next annual school meeting or election, or at a special meeting or election, called for that purpose, the time of such meeting or election to be designated in said petitions that the question of uniting said school districts for high school purposes only, thus forming a union high school district, will be submitted. Within ten days after receiving such petitions, the district boundary board shall direct, in writing the respective school boards of the districts to be so united, to give the notices as requested in the petitions. For all purposes provided for in Sections 344, 345 and 348 the district boundary board shall annex the part of the district it is intended to unite to the proposed union high school district to the nearest adjoining district, and the nearest adjoining school district and the part of the school district so annexed shall be considered as a school district. The vote on the question is to be by ballot, and the ballot shall have written or printed thereon the words:

“For Union High School—Yes.”

“For Union High School—No.”

If the vote is taken in regular school meeting the clerk shall prepare a poll list and tally sheet. The chairman of the meeting shall appoint two tellers, who shall receive the votes as the clerk calls the names of the voters from the poll list. When all have voted the tellers shall count the votes, and the school clerk shall keep the tally. If the vote is taken in polling places previously designated by the school board, the judges of the election shall accept the votes, and the clerk of election shall record the names of the voters. If the tally sheet is kept by the school clerk he and the tellers shall certify over their signatures that it correctly indicates the votes cast. If the tally sheet is kept by a clerk of election, the clerk and the judges shall certify to the school board the result of the vote on this question, together with other questions that may be on the ballot. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the date of election.



Such sealed package, together with a statement of the result of the election signed by the school clerk and chairman of the school board, shall be forwarded within five days to the district boundary board, addressed to the county school superintendent as a member thereof. Within ten days after receipt of the sealed returns from the district the district boundary board shall open the sealed packages and canvass the votes. If the board shall determine that a majority of all votes cast on the high school subject voting on such subject is in favor of uniting such district for high school purposes, it shall immediately notify the respective school boards concerned of the result and shall declare the territory comprising such districts to be a union high school district Nos. 1, 2, 3, etc., in order of their formation. If the district boundary board shall determine that less than a majority of all votes cast is not in favor of uniting said district for high school purposes, then said board shall immediately notify the respective school boards concerned that the proposition is defeated. The ballots, tally sheets and poll list shall be kept on file in the office of the county school superintendent for a period of one year. [L. O. L. § 4194, L. 1911, Ch. 53, p. 78, § 1.]

A union high school district, which has been regularly organized and established, pursuant to the statute providing therefor, cannot be dissolved, since there is no statute authorizing the dissolution of the same.—Report of Attorney General, 1913, p. 371.

The petition to the district boundary board of a county, requesting an election to be held for the union of two or more school districts for high school purposes, should state specifically the location of the site for such union high school in such manner that the voters at the election will know where the school is to be located if the union high school district is created.—Report of Attorney General, 1913, p. 348.

### § 345. *Transfer of Title.*

If the site for the location for the union high school as set forth in section 344, is a site belonging to a regular school district, and it is proposed to transfer the title of said site from the regular school district to the union high school district, on organization, then a special meeting or election shall be called to be held at least forty days before the date upon which the vote for organizing the union high school district shall be taken. Such meeting or election must be convened by a written call specifying the date of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in such district at least ten days before the date appointed for said meeting. The notice for said meeting must specify definitely the property to be transferred and the purpose and terms of said transfer. The vote on

the question is to be by ballot and the ballot is to have written or printed thereon the words:

“For the transfer of.....property—Yes.”

“For the transfer of.....property—No.”

The vote in all respects at such meeting or election shall be taken in such district as if it were for the election of a school officer of such district, and if it shall be determined that a majority of votes cast on the subject of the transfer of the property in such district voting on such subject is in favor of transferring such property, then it shall be the duty of the board of such regular district to transfer such property to the union high school district, on the terms set out in the notice, in case the union high school district is formed. When said transfer is made, the union high school district assumes and is thereafter responsible for all unpaid debts and liabilities that may have been contracted by the regular school districts for said property, and thenceforth said property shall be under the control in all respects of the said union high school district. [L. O. L. § 4195.]

§ 346. *Board May Contract for Use of Property.*

The union high school board may for high school purposes contract with a regular school board for the use of any property belonging to the regular school district for such time and according to such conditions as may be mutually agreed upon between such boards. [L. O. L. § 4196.]

§ 347. *When Districts Lie in Two or More Counties.*

If districts to be united for high school purposes are in two or more counties, the district boundary board of the county in which the most populous district is located shall have jurisdiction in all matters pertaining to the organization and management of such districts. When so organized, a description of the boundaries shall be sent to the other county superintendent or superintendents concerned, for record. [L. O. L. § 4197.]

§ 348. *Union High School Board—How Constituted.*

(a) If a union high school is formed by uniting two districts of the third class, the school board of each of such districts shall be *ex officio* members of the union high school board.

(b) If formed by any other combination of districts, the chairman of each school board shall be a member of the union



high school board until the next annual school meeting, then there shall be elected from each district one member of the union high school board. The member of the board from the district which has the lowest numerical number shall serve three years. The member from the district which has second lowest numerical number shall serve two years. The member from the district which has third lowest numerical number shall serve for one year. The member from the district which has fourth lowest numerical number shall serve for three years. The member from the district which has fifth lowest numerical number shall serve four years. The member from the district which has sixth lowest numerical number shall serve one year and in like manner the length of term of all directors shall be determined.

At the end of a term of a member from the district, his successor shall be chosen from among the legal voters in the district in the same manner as now provided for by law for the election of school district officers. He shall serve three years, or until his successor is elected and qualified. In case of a vacancy the clerk of the union high school district board shall notify the district school board of such fact and the district board shall call a special meeting to elect his successor who shall serve the remainder of the unexpired term.

(c) The election for members of the union high school board, as provided for in paragraph (b), shall be held at the time and in the manner provided by law for the election of school officers of such districts. [L. O. L. § 4198; L. 1911, Ch. 53, p. 80, § 2.]

Officers of a union high school district regularly elected, continue to serve until their successors are elected and qualified, although such successors are not elected at the end of a first term. Failure to so select does not create a vacancy, and successors are to be elected at the time specified in the statute.

One director of a union high school district, not constituting a quorum of the board of directors, cannot transact the business of the district alone, and if the other members refuse to co-operate, the only recourse is to the electors of the component districts.—Report of Attorney General, 1913, p. 408.

### § 349. *Organization of Board.*

The county school superintendent shall forthwith set a time for the first meeting of the union high school board formed in accordance with this act, at which time said board shall meet and organize by electing one of their number chairman and appointing a clerk from the qualified voters of the high school district from without their number to serve one year, or until his or her successor is appointed and qualified. The board and clerk shall qualify by taking an oath to perform the duties of the office of director or clerk, as the case may be, of the union high school district. The clerk shall give

a bond in such an amount as the board may determine, but it shall not be less than double the amount of funds that may come into his hands at any one time. Clerks of union high school districts shall receive such compensation for their services as in the judgment of their respective boards shall be adequate. In case of a tie in the election of a chairman or a clerk the county school superintendent shall cast the deciding vote. In case of a tie on any other question the school clerk shall cast the deciding vote. [L. O. L. § 4199.]

§ 350. *Meetings of Board.*

The union high school board shall hold regular monthly meetings at the high school building at such time as may be provided in the rules and regulations adopted by them for their own government. A meeting of the union high school board may be called at any time, by two members of the board serving a written notice on the other members and the clerk, at least forty-eight hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; *provided*, that the action of such board shall not be deemed lawful unless every member shall have been duly notified; *provided, further*, that the union high school board may, at its discretion, appoint an executive committee representing at least two regular districts, one of whom shall be the chairman of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting. [L. O. L. § 4200.]

§ 351. *Board Shall Admit Residents of Any School District.*

(a) The union high school board of any union high school district organized under this act, shall admit to the union high school under its control whenever the facilities of the school will warrant, a resident of any school district of any county concerned in such union high school district, who is properly prepared to enter such school and whose school district does not of itself or in connection with other school districts provide the high school privileges afforded by such union high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(b) The school board of any regular district having a high school shall admit to the high school under its control, whenever the facilities of the school will warrant, a resident of



any other school district, prepared to enter such school, of any district in the county and whose school district does not provide the high school privileges offered by such high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(c) Whenever such non-resident pupil shall be admitted to such union high school, the union high school district shall be entitled and is hereby authorized to determine who are non-resident pupils and to fix the rates of tuition of such non-resident pupils. [L. 1911, Ch. 53, p. 80, § 3.]

§ 352. *This Act Not to Prevent the Forming of County High School.*

(a) Nothing in this section shall be construed as to prevent all school districts in any county from uniting to form one or more county high schools; *provided*, that when any school district, or union high school district, shall maintain a high school which in all respects shall be equivalent in efficiency to the county high school, which efficiency shall be determined by the district boundary board, such territory shall be exempt from a tax to support a county high school; *and provided, further*, that when any regular school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such school district, or union high school district, shall be excluded from voting upon said proposition.

(b) Nothing in this section shall be construed as to prevent a regular district maintaining a high school, or a union high school, from uniting with other districts for the purpose of organizing a high school in accordance with the legislative enactments governing the formation of county high schools. [L. O. L. § 4202.]

§ 353. *Course of Study.*

The course of study for union high schools shall be prepared by the State Board of Education, and said course of study shall embrace a course of study of not less than two years. [L. O. L. § 4203; L. 1911, Ch. 53, p. 81, § 4.]

§ 354. *Industrial Training.*

Any union high school board may, at its discretion, establish and maintain a department of industrial training in connection with the school under its management. The expense of maintaining such department shall be provided for in the same manner as other expenses of maintaining union high schools,

and such department shall be under the management, direction and control of such board. The State Board of Education shall, so far as their other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining such department and in arranging plans and outlines of work. [L. O. L. § 4204.]

§ 355. *Creation of Regular District Not to Affect Boundary of Union High School District.*

The creation of a regular district out of the territory included in a union high school district, or the changing of the boundaries of any regular districts included in a union high school district shall not dissolve, nor otherwise change the boundaries of a union high school district. A regular school district may be united to a union high school district in the manner provided for the organization of a union high school district in section 344 hereof; *provided*, that the union high school district shall be considered one district for such purpose. [L. O. L. § 4205.]

§ 356. *Duties of Union High School Board.*

The duties of a union high school board shall be:

1. When legally authorized, to secure land and cause to be erected thereon a suitable building.

2. They shall prepare, annually, an estimate of the amount of funds necessary to carry out the purposes for which the union high school district was established, and shall levy a tax upon all the assessable property in said union high school district, and the clerk of said union high school district shall report to the county clerk of his county, or counties, the rate of levy. Said tax shall be computed, entered upon the tax roll, collected, in the same manner as other special taxes, and paid to the clerk of said union high school district in the same manner as other taxes are paid. When a tax is levied, the union high school board may contract a debt in the name of the district, borrowing money or by issuing warrants of the district not to exceed the amount of the levy.

3. When authorized by a majority vote of the legal voters present at any legally called meeting, in a union high school district, the board of such district may, in the name and behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district, for the purpose of building a school building or repair of school buildings, or for the purchase of land for school purposes, and issue negotiable and interest-bearing warrants (and fix the payment for the same)



of their district evidencing such debt; and they may, from time to time, not oftener than once a year, levy a tax upon the taxable property of such union high school district, to pay the interest thereon, on principal when due, which taxes shall be collected in the same manner as other school taxes are now collected by law; *provided, further*, that such directors shall call a bond election, when petitioned to do so, in accordance with the provisions of the bonding act for bonding regular school districts. [L. O. L. § 4206; L. 1911, Ch. 53, p. 81, § 5.]

Taxes of such districts are collected by the sheriff as all other taxes, and by him paid to the county treasurer, who in turn pays the same to the districts entitled thereto, without further action of the district and the levying and specifying the same to the county clerk. A failure to levy taxes in such a district for any year or years, cannot be remedied by a subsequent levy for such years.—Report of Attorney General, 1913, p. 408.

§ 357. *Clerks Shall Make Reports to County Superintendents.*

The clerks of union high school districts shall make such reports to the county school superintendent as may be required by the State Board of Education, which reports shall be included in the reports from the county superintendent to the Superintendent of Public Instruction. [L. O. L. § 4207.]

§ 358. *Principal May Act as Principal of Grammar School.*

Nothing in this act shall be construed so as to prevent the principal of the union high school from acting as principal of the grammar school of the regular school district in which the high school is located, if so desired by the board of said regular school district. [L. O. L. § 4208.]

§ 359. *Laws Governing Districts.*

All laws governing regular school districts and officers shall apply to union high school districts and officers so far as applicable. [L. O. L. § 4210.]

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## CHAPTER III.

### GRADES ABOVE THE EIGHTH.

§ 360. *Grades Above the Eighth May Be Taught, When.*

When one-third of the legal voters of a district shall petition the district board, requesting that grades above the eighth grade may be taught in such district, or whenever the district board shall at its discretion think proper it shall give 20 days' notice previous to the annual school meeting, or pre-

vious [to the] special election called for that purpose, that it will submit the question to the legal voters of said district whether grades above the eighth grade shall be taught in such district, at which election the electors of the district shall vote by ballot for or against establishing such grades. All notices contemplated in this subdivision shall be given as are all legal notices of special school meetings. After said election the ballots of said question shall be canvassed by the district board, and if a majority of all the votes cast shall be in favor of establishing such grades it shall be the duty of the district board to establish such grades and determine what branches shall be taught therein, and the course of study used by classes thus formed in districts if the second and third classes shall be that prescribed by the State Board of Education. [L. 1913, Ch. 172, p. 305, § 1, subd. 26.]

The people of a district can by majority vote suspend the ninth grade, after it has been authorized to include it, but cannot use any of the district funds to hire their children taught in an adjoining district for paying their transportation. — Report of Attorney General, 1911, p. 70.

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## CHAPTER IV.

### COUNTY HIGH SCHOOL FUND.

#### § 361. *County Court to Submit Question.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by ten per cent or more qualified school electors of said county, must submit the question of creating a county high school fund to the qualified electors thereof. Such election shall be conducted in the manner provided by law for conducting elections. The county clerk shall give thirty days' notice that the question will be submitted to the legal voters of the county. The ballots for such election shall contain the words, "For county high school fund—yes"; "For county high school fund—no"; and the voter shall indicate his choice as provided in the Australian ballot law. [L. O. L. § 4180.]

#### § 362. *Board, How Constituted.*

Whenever it has been decided by any county, at any election, to create a county high school fund, in accordance with section 361, such fund shall be under the control of a county high school board, consisting of the county judge and the two commissioners, the county treasurer, and the county school super-



intendent, who shall act in their official capacity as such board, the county judge to be *ex officio* chairman, and the county school superintendent *ex officio* secretary. The members of the board shall serve without compensation. [L. O. L. § 4181.]

§ 363. *Board to Contract With Districts.*

It shall be the duty of the county high school board, within thirty days after returns have been canvassed by the regular canvassing board in said county, if a county high school fund has been provided for in accordance with section 362, to contract with all districts that maintain a high school, in accordance with the requirements of section 367, to teach all high school pupils of said county that may attend a high school in the district. [L. O. L. § 4182.]

A county high school board in a county which has adopted the county high school fund law, is not authorized by said act to contract with a school district maintaining a high school outside of said county, for the teaching of high school pupils residing within the county.—Report of Attorney General, 1913, p. 92.

§ 364. *Board Must Furnish Estimates of Funds.*

The county high school board shall also make an estimate of the amount of money needed to pay the tuition of all high school pupils for the next twelve months, and submit such estimate to the county court, whose duty it shall be thereupon to levy a special tax upon all the assessable property of the county sufficient to raise the money estimated, as necessary for paying said tuition. Said tax shall be computed, entered upon the tax roll, and collected in the same manner as other taxes, and designated as the "County High School Fund," and shall be deposited in the county treasury. [L. O. L. § 4183.]

§ 365. *Tuition, How Paid.*

For the purpose of paying tuition of said high school pupils, the county high school board shall draw an order on the county treasurer, which shall be signed by the president and secretary of such board, whereupon the county treasurer shall pay such warrant and charge the same to the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [L. O. L. § 4184.]

§ 366. *Distribution of Fund.*

The basis of the distribution of the county high school fund shall be upon the average daily attendance during the school year. The total amount of money paid to any district during

the school year shall not be less than \$40 per pupil for the first 20 of such average daily attendance, and \$30 for the second 20; nor more than \$12.50 per pupil for all the remaining pupils. But the total paid any district shall not exceed the amount paid by the district to the teachers employed therein. [L. O. L. § 4185.]

§ 367. *State Board of Education to Prescribe Regulations.*

It shall be the duty of the State Board of Education to prescribe rules and regulations specifying the standard that must be maintained by all high schools relative to number of months taught, number of teachers employed, number of recitation periods daily, and course of study, before any high school shall be entitled to receive tuition for any high school pupil from the county high school fund. [L. O. L. § 4186.]

§ 368. *District Must Comply With State Rules.*

No high school shall be entitled to receive tuition for any pupil from the county high school fund, nor shall any warrant on said fund be drawn in favor of any district until the county superintendent has certified to the county high school board that the district has complied with the rules and regulations provided for in section 367. [L. O. L. § 4187.]

§ 369. *Entrance Requirements.*

No high school shall be entitled to receive tuition for any high school pupil from the county high school fund, unless such pupil holds an eighth grade diploma from some county in this State, or its equivalent from some other state; *provided*, that this section shall not apply to any pupil now enrolled in any high school. All questions at issue arising under the provisions of this section shall be determined by the county school superintendent whose decision in the matter shall be final. [L. O. L. § 4188.]

There is no authority of law for using high school funds to pay tuition of pupils who have not successfully passed the eighth grade uniform final examinations. — Report of Attorney General, 1911, p. 42.

§ 370. *Pupil Must Complete Course in Residence District.*

No tuition shall be paid for a high school pupil to any district, except to the district in which his parent or guardian shall actually reside, during the time of said pupil's attendance in such district; *provided*, that tuition may be paid for a high school pupil to a district other than his residence district if the high school is not in session in the residence



district of such pupil; or if such pupil has completed the course of study offered in his residence district; or if he has obtained the consent of the county high school board to attend school in a district other than his residence district. [L. O. L. § 4189.]

§ 371. *Retroactive.*

All the provisions of this act shall also apply to any county that has heretofore, in substantially the same manner as provided for in this act, established a county high school fund and provided for the distribution of the same. [L. O. L. § 4191.]

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## TITLE III

### TEXT-BOOKS.

#### CHAPTER I.

##### STATE TEXT-BOOK COMMISSIONERS.

§ 372. *Commissioners—How Appointed.*

In the month of January, in the year 1901, and in the month of January every four years thereafter, the Governor shall appoint, from different sections of the State, a state board of five text-book commissioners, who shall hold their offices until their successors are elected and qualified. The Governor shall fill all vacancies in such board. [L. O. L. § 4211.]

§ 373. *Circular to Book Publishers.*

In the month of February, in the year 1901, and in the month of February every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular, and mail a copy of the same to all the leading school book publishers in the United States. Such circular shall contain the following:

1. The name and postoffice address of each member of the State Board of Text-Book Commissioners;
2. The time and place of meeting of the State Board of Text-Book Commissioners to adopt text-books;
3. The general form of bid to be followed by publishers in submitting text-books for adoption;

4. The general form of contract to be entered into between the State Board of Education in behalf of the State, and a publisher whose book or books may be adopted;

5. The branches of study included in the state course of studies, for schools of all grades;

6. The provisions of this act relating to the adoption of text-books;

7. Such additional facts and information as may be deemed expedient. [L. O. L. § 4212.]

#### § 374. *Sessions of Board of Commissioners.*

The State Board of Text-Book Commissioners shall meet at the State Capitol on the first Monday in June, in the year 1907, and on the first Monday in June every six years thereafter, and continue in session for a period not to exceed fifteen days, exclusive of Sundays and other holidays, in a room to be designated by the State Board of Education. Four members shall constitute a quorum. They shall immediately organize by electing a chairman from among their number, and a competent person as secretary. No person holding a state or county office shall be elected secretary. [L. O. L. § 4213.]

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## CHAPTER II.

### ADOPTION OF TEXT-BOOKS.

#### § 375. *How Adopted.*

When organized, as provided in this act, the State Board of Text-Book Commissioners shall adopt text-books for use in all the public schools of this State for six years. The sessions of the board shall be public, and the vote upon the selection of each text-book shall be *viva voce*, and the vote of each member shall be recorded in the minutes of the board. The adoption shall include text-books for all branches of study specified in the state course of studies for schools of all grades, and no others. At least three votes shall be necessary for choice of any text-book. [L. O. L. § 4214.]

#### § 376. *Publishers' Proposals.*

The proposals of each publisher shall be submitted to the board in writing, not later than the first day of the session of the board, and shall contain the full title of each text-book proposed to be furnished by him, the date of copyright,



the price at which it can be exchanged up to the thirty-first day of December, inclusive, of the year of adoption for the corresponding text-books then in use in the common schools, the introductory price at which it will be sold to the patrons of the schools of this State up to the thirty-first day of December, inclusive, of the year of adoption; and the retail price thereafter during the period of adoption; and the proposal shall further contain an offer to furnish to the said patrons the text-books described, or any one of them, at prices, and no higher, than contained in the proposal, during the period of six years from their adoption, and to comply with the other requirements of this act. [L. O. L. § 4215.]

§ 377. *Proposals Rejected—New Proposals.*

The said board may adopt or reject any text-book or all text-books contained in any proposal, or, if the price of any text-book in all the proposals shall be considered by the board unreasonably high, or the book not suitable, the board may reject such text-book, and thereafter, at the same or subsequent session, receive new proposals for such book and adopt it in the same manner as above provided. No publisher shall have the right to have his proposal as to any text-book considered unless he shall have delivered to each member of the board one copy of such text-book, at least sixty days before the meeting of the board, free of cost. [L. O. L. § 4216.]

§ 378. *Report to State Board of Education.*

When text-books have been adopted in accordance with the provisions of this act, the State Board of Text-Book Commissioners shall immediately report such adoption to the State Board of Education. Such report shall contain the full title of each book adopted, as printed therein, the date of copyright, the exchange, the introductory, and the retail price thereof, and such other facts and information as may be deemed expedient. The report shall be signed, in triplicate, by each member of the board and attested by the secretary. One copy shall be delivered to the Governor, one to the Superintendent of Public Instruction, and one retained by the chairman of the board. [L. O. L. § 4217.]

## CHAPTER III.

## PUBLICATION AND USE.

§ 379. *Execution of Contracts and Requests.*

On receiving the report of the State Board of Text-Book Commissioners, the State Board of Education shall, as soon as practicable, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, which contract shall require the publisher to maintain at least one depository in each county in the State, to be designated by the State Board of Education, where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the Governor, one to the State Superintendent of Public Instruction, and one to the publisher named therein. Acting in behalf of the State, the State Board of Education shall take from each publisher entering into a contract as herein specified a good and sufficient bond in such sum, as stipulated damages, as the said board may determine, and payable to the State of Oregon for the benefit of the common school fund, with at least two sureties, to be approved by the State Board of Education, for the full and faithful performance of the same; and if any publisher shall neglect or fail to carry out the provisions of said contract on his part, or shall, with intent to evade said provisions, sell any of said text-books in this State at higher prices than provided for in his contract, the State Board of Education shall have power, in its discretion, on behalf of the State to rescind the said contract, and to notify the publisher thereof, or to bring the appropriate action or suit to enforce the provisions of the publisher's bond. [L. O. L. § 4218.]

§ 380. *Circular as to Text-Books Adopted, to Be Issued.*

In the month of August, in the year 1901, and in the month of August every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the State Board of Text-Book Commissioners, as printed therein, the date of copyright, the exchange, the introductory and the retail price thereof, and such other facts and information as may be deemed expedient. Such circular shall be sent to each county superintendent, free of cost, in sufficient quantities to enable him to supply



a copy without charge to each officer in his county. [L. O. L. § 4219.]

§ 381. *Failure of Publisher—Other or Additional Text-Books.*

If, at any time during the six years covering the adoption of text-books as herein provided, a publisher shall fail or be unable to furnish any adopted text-book, or his contract be rescinded, or, for any cause, it becomes necessary to adopt any text-book instead of or in addition to those required by the course of study in force at the time of the regular adoption, the chairman of the Board of Text-Book Commissioners, or the Governor, may call a special session of said board, and it shall thereupon convene and adopt such text-book in the same manner as in this act provided, and the State Superintendent shall in such case cause the proper circulars and notices to be sent to publishers. [L. O. L. § 4220.]

§ 382. *District Directors May Adopt Text-Books, When.*

In the month of July, in the year 1901, and in the month of July every six years thereafter, and at no other time, the board of directors in any district in which a high school is maintained shall adopt text-books required to complete any branch of study added by such board of directors to the branches of study specified for a state high school course. Such adoption shall be made *viva voce*, and a majority vote of the entire board shall be necessary to a choice of any text-book, and the vote thereon of each member shall be recorded in the minutes of the board. No text-book shall be adopted as herein provided that shall be used directly or indirectly as a substitute for any text-book adopted by the State Board of Text-Book Commissioners, or that shall, directly or indirectly, replace any such adopted text-book. [L. O. L. § 4221.]

§ 383. *School Directors' Contract With Publishers.*

When text-books have been adopted by a board of school directors, as herein provided, such board of school directors shall, not later than thirty days after the adoption, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, to maintain at least one depository in such district where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the State Superintendent of Public Instruction, one to the clerk of such district, and one to the publisher named therein; and the provisions of this act concerning the adoption of text-books by the State

Board of Text-Book Commissioners shall apply to the adoption of additional text-books by boards of directors, as far as the same may be applicable. [L. O. L. § 4222.]

§ 384. *Time Within Which Books Are to Be in Use.*

It is hereby made the duty of all boards of school directors to cause the text-books adopted, as provided in this act, to be introduced and used in their respective schools within fifteen months from the date of adoption. [L. O. L. § 4223.]

§ 385. *Violations of This Law by Teachers; Effect Of.*

The text-books that may be adopted under the provisions of this act, and none others, shall be used in the public schools of this State thereafter, and it shall be the duty of school officers and teachers to comply with the provisions of this act concerning the same. If any teacher shall willfully violate any of said provisions, he shall be deemed to have violated the terms of his contract with the district. Any taxpayer of a school district, or parent or guardian of a child attending a common school in any district, shall be deemed to have such a beneficial or direct interest in the enforcement of this law concerning text-books that he may bring any proper proceeding in a court of competent jurisdiction to compel the board of directors of his district, or teachers in his school, to perform the duties enjoined upon them by this act in relation to text-books. [L. O. L. § 4224.]

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## CHAPTER IV.

### COMPENSATION OF COMMISSIONERS AND SECRETARY.

§ 386. *Allowance for Attendance, and Mileage.*

Each member of the State Board of Text-Book Commissioners, and the secretary elected by them, shall be paid \$100 for attendance at each meeting required in this act, and a further sum of ten cents for each mile traveled in going to and returning from such meeting on the most usual route. Any claim for compensation made under the provisions of this act shall be audited by the Secretary of State and paid out of any funds in the hands of the State Treasurer not otherwise appropriated. [L. O. L. § 4225.]



## TITLE IV

## SPECIAL INSTITUTIONS.

## CHAPTER I.

## SCHOOL FOR DEAF MUTES.

§ 387. *Location and Object.*

There shall be established and permanently located at or near Salem, State of Oregon, a school, to be known as the "Oregon School for Deaf-Mutes," said school to be maintained for the instruction, discipline, employment, and general education of all deaf-mutes residing in the State of Oregon, and adjoining states and territories, as hereinafter provided. [L. O. L. § 4315.]

§ 388. *Board of Trustees, How Constituted.*

For the purpose of carrying into effect the provisions of this act, there shall be and is hereby created a board of trustees and building commissioners, consisting of the Governor, who shall be president of the board, the Secretary of State, and the State Superintendent of Public Instruction, who shall be secretary of the board, and which said board shall be known as "the board of trustees of the Oregon School for Deaf-Mutes." [L. O. L. § 4316.]

§ 389. *Powers of Board—Fruit and Vegetable Products, How Supplied.*

The said board of trustees shall have full power to purchase sufficient land for the use of said school, upon which said land the buildings and other improvements for the use of said school shall be located; *and it is provided, further*, that said land shall be cultivated and improved for the benefit of all state institutions located thereon, which cultivation and improvement shall be done, so far as practicable, by the inmates of such institutions under the direction and supervision of the superintendents thereof; *and it is provided, further*, that the school for the deaf-mutes and the Oregon Institute for the Blind shall be entitled to receive supplies of small fruits, vegetables, and other farm and garden products now produced, and that shall hereafter be produced upon the farm lands purchased and now owned by the State for the

use of the State Insane Asylum, the Oregon State Prison, and the State Reform School; *provided*, that such supplies shall be furnished said schools at such times and in such quantities as may be found practicable by the superintendents of the above-named state institutions, viz.: The State Insane Asylum, the State Prison, and the State Reform School. [L. O. L. § 4317.]

§ 390. *Exclusive Government in Board.*

The said board of trustees are hereby created a permanent board of management for said school, and shall have full authority and exclusive government, direction, and supervision of said school for the time being, under such rules and regulations as they may adopt, and as hereinafter provided. [L. O. L. § 4318.]

§ 391. *Authority to Conduct Business, and Make Contracts.*

The board shall make all needful rules and regulations concerning their meetings and the modes of transacting their business, shall take charge of said institution to see that its affairs are properly conducted, that strict discipline is maintained, and that suitable employment and education are provided for its inmates. They are hereby authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, to build shops and other buildings, and everything necessary to equip the institution for the purpose herein specified, and to maintain and operate the same. [L. O. L. § 4319.]

§ 392. *Custody of Records and Property.*

The said board of trustees shall have the general custody and control of the books, records, buildings, and other property of the school. All moneys, bonds, securities, lands, and other property which shall be given, transferred, or conveyed to said board of trustees by gift, devise, or otherwise, shall be taken, received, held, managed, invested, reinvested, sold, transferred, and in all respects managed, and all the proceeds thereof used, applied, and invested for the exclusive use of said school. [L. O. L. § 4320.]

§ 393. *By-Laws — Employment of Teachers and Officers — School Age.*

The said board of trustees shall have power and it shall be their duty to enact by-laws, rules, and regulations for the government of said school; to provide for the employment



of a superintendent, teachers, and officers, and other employees, and fix their salaries; to fix the limit of age for admission of pupils to the school; contract for supplies, etc., and to provide for all other duties and work necessary and proper to carry out the designs of this act. [L. O. L. § 4321.]

§ 394. *Pupils From Other States.*

The said board of trustees shall have power to prescribe the terms upon which pupils from other states and territories shall be received into said school, if the same be deemed necessary by them. [L. O. L. § 4322.]

§ 395. *Officers and Teachers, When Appointed.*

The said board of trustees, at their first regular meeting after the passage and approval of this act, shall, if practicable and necessary, appoint a superintendent, teachers, officers, and other employees as they may deem necessary to manage and have charge of said institution, and to see that its affairs are properly conducted. [L. O. L. § 4323.]

§ 396. *Salaries.*

The said board of trustees shall fix the salaries of the superintendent, teachers, officers, and other employees of the school at the time of their election or appointment by said board, and shall prescribe their duties. [L. O. L. § 4324.]

§ 397. *Removal of Officers and Teachers.*

The said board of trustees shall have full power to remove any officer, teacher, or employee whenever in the judgment of said board such removal would be expedient, and for the best interest of the school. [L. O. L. § 4325.]

§ 398. *Annual Election of Officers and Teachers.*

The superintendent of the school and all subordinate officers, teachers, and employees shall be elected annually by the board of trustees, and shall use their best efforts and constant endeavors to discipline, govern, instruct, employ, and advance the youth committed to their charge in such manner as, while preserving their health, will secure the promotion, as far as possible, of their physical, mental, moral, and industrious habits, regular and thorough progress, and improvement in their study, trades, and employment as far as the same may be practicable. [L. O. L. § 4326.]

§ 399. *Bond of Superintendent—Authority of.*

The superintendent-elect of the school shall, before entering upon his duties each year, give a reasonable bond to the

board of trustees, with sureties, of amount and sureties to be satisfactory to the said board of deaf-mute school trustees, conditioned that he shall faithfully perform all his duties, and account for all moneys received and paid out by him, and all property, and of the institution in his charge; he shall be a resident at the school, and shall have full charge and supervision of all lands, shops, buildings, machinery, furniture, apparatus, tools, stock, provisions, and all other appurtenances and kinds of property belonging to the institution, subject to the direction and control of said board of trustees. [L. O. L. § 4327.]

§ 400. *Report of Superintendent.*

It shall be the duty of the superintendent-elect of the said school to make to the said board of trustees, on or before the 31st day of December, every two years, a full and detailed report, setting forth the condition, advancement, expenses, and other necessary items and information, relative to the status of said school, which report shall be examined, and if found correct, and approved by the board of trustees, printed for the information of the legislative assembly; *and provided, further*, that said board of trustees shall submit therewith such additional report as they may deem necessary, which report shall contain their estimate of the appropriations necessary for maintaining the said school for the biennial term next ensuing. [L. O. L. § 4328.]

§ 401. *Board Meetings—Inspection of School.*

The said board of trustees shall hold regular meetings in the State Capitol building on the first Monday of each month, and such special meetings as said board thereof may appoint. A majority of the board shall constitute a quorum, and at any regular meeting may adopt such rules and regulations as may be deemed necessary for the transaction of its business; *provided, further*, that the said board of trustees shall visit the said school once each month when practicable and shall examine the pupils in their school room, industrial work and other labor, and inspect the books and accounts of the superintendent and other officers; *provided, further*, that once in every six months, if practicable and found necessary, the said board shall make a complete inspection of the school in all of its departments, including all accounts, vouchers, books, etc., of the superintendent and other officers. For all said monthly and semi-annual visits and inspections, meetings, supervision, etc., each member of said board of trustees shall receive an annual salary of \$250 and their actual traveling



expenses, which accounts shall be audited by the Secretary of State quarterly, and paid by warrants drawn on the State Treasurer. [L. O. L. § 4329.]

§ 402. *Free Education.*

All deaf-mutes of proper age, residents of this State, shall be entitled to a free education in the said school, under the rules and regulations of the board of trustees. [L. O. L. § 4330.]

§ 403. *Names of Deaf and Blind Youth to Be Reported.*

It shall be the duty of the clerk of the several school districts in this State to report the names, addresses and ages of all deaf or blind children between the ages of 6 and 14 years within their respective districts, together with names of parents of such children, which may come or be brought to their attention, to the county school superintendent of their respective counties. [L. 1913, Ch. 342, p. 683, § 18.]

§ 404. *Report By County Superintendent—Admission.*

It shall be the duty of each county school superintendent in the State of Oregon to report the names, addresses and ages of all deaf children between the ages of 6 and 14 years, together with those of their parents, reported to him by the said district clerks or otherwise brought to his attention, to the superintendent of the Oregon State School for the Deaf at Salem, Oregon; and it shall be the duty of the said county school superintendents to report the names, addresses and ages of all blind children, between the ages of 6 and 14 years, together with those of their parents, reported to him by the said district clerks or otherwise brought to his attention, to the superintendent of the Oregon State School for the Blind at Salem, Oregon.

Admission may be secured by making application to the superintendent direct or through the county school superintendent, upon blanks to be provided by the superintendent of the said institution and complying with the rules and regulations of the State Board of Control. [L. 1913, Ch. 342, p. 683, § 19.]

§ 405. *Expense of Travel and Clothing.*

The actual and necessary traveling expenses of all indigent deaf or blind children going to and from the said institution together with the cost of all clothing necessary for their comfort, shall be borne by the county of which the said children are residents. Said traveling expenses and cost of clothing

to be paid by the county court upon presentation of proper itemized claims duly certified to by the county school superintendent or the superintendent of the proper State institution. [L. 1913, Ch. 342, p. 684, § 20.]

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## CHAPTER II.

### INSTITUTION FOR THE BLIND.

#### § 406. *Government.*

The State Board of Education are hereby constituted the board of trustees of said institute, and it shall be their duty as such trustees to take charge of the funds of the institute, to provide for the proper care of the pupils, to appoint all officers and teachers, and define the duties of the same, to fix and regulate the salaries of all persons employed by them, and to make a full statement of the expenses, management and condition of the institute at each regular session of the legislative assembly. [L. O. L. § 4336.]

#### CORRESPONDENCE SCHOOLS.

#### § 407. *Must Conduct Resident School.*

That any correspondence school or educational institute that gives instruction in the State of Oregon by correspondence in high school subjects or in any other branch of learning commonly taught in a college or university must, from this time on, be known to conduct a resident school of at least the same grade and character of work that it represents itself to do by correspondence. [L. 1913, Ch. 176, p. 316, § 1.]

#### § 408. *Shall File Proof.*

It must file with the superintendent of Public Instruction proof of such resident school and character of work, and of its standing among leading institutions of its class before undertaking to give instruction. A violation of this act shall be punishable by a fine of five hundred dollars (\$500), payable into the State Board of Examiners' fund. [L. 1913, Ch. 176, p. 316, § 2.]

#### § 409. *Superintendent of Public Instruction to Classify.*

The Superintendent of Public Instruction shall classify above mentioned schools in his report for the information of the public. [L. 1913, Ch. 176, p. 317, § 3.]



## TITLE V

## MISCELLANEOUS PROVISIONS.

## CHAPTER I.

## DUTIES OF DISTRICT ATTORNEYS.

§ 410. *To Advise County Courts, School Superintendents, Etc.*

It is hereby made the duty of the district attorneys, and their deputies, to advise the county courts, the county school superintendents, the county clerks, the sheriffs, county assessors, and the county surveyors, in their respective districts, on all legal questions that may arise, and to prosecute and defend such counties in all actions, suits, and proceedings to which any such county may be a party, and for such services they shall receive no additional compensation other than is herein provided. [L. O. L. § 2820.]

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## CHAPTER II.

## EIGHTH GRADE EXAMINATION.

§ 411. *Superintendent of Public Instruction Shall Prepare Questions.*

It shall be the duty of the Superintendent of Public Instruction, at such time as he may deem advisable, but not oftener than three times each year, to prepare questions for use in the examinations of the pupils of the schools of this State who have completed the eighth grade in accordance with the provisions of the state course of study; to prescribe uniform rules and regulations for the conducting of such examinations; and to prepare blank certificates of graduation for pupils successfully passing such examinations according to the standard prescribed by the State Board of Education, which certificate shall be executed by the county superintendent of their respective counties; and a certificate so granted shall entitle the holder thereof to entrance into any ninth grade in the State without further examination; *provided*, that nothing in this act shall be construed as compelling district school boards to admit non-resident pupils without tuition charge. [L. O. L. § 4226.]

Each pupil taking the eighth grade examination is required to pass an examination on all branches given in such examination, and a pupil having finished one of such branches in another State, cannot offer his grades therein in lieu of such examination, as that would nullify their requirement for uniform examination in the branches taught in the eighth grades.—Report of Attorney General, 1913, p. 77.

§ 412. *Chairman of Board Shall Conduct Examination.*

It shall be the duty of the chairman of the district board of the district in which said examination is being held to conduct said examination in person; or designate some member of his board; or the school clerk; or some person other than the teacher of the school, suggested by the county superintendent to conduct such examination in accordance with the rules and regulations prescribed by the Superintendent of Public Instruction for conducting such examination, and the person conducting the examination shall, within one day after the close of the examination, transmit the manuscripts to the county superintendent. The person conducting the examination shall receive \$2.00 per day for the time actually employed in conducting the examinations herein provided for, but such person shall not receive pay for more than two days for any one examination. Any claim for compensation for services under this section shall be certified to by the county superintendent and audited by the district school board, and paid out of the school fund of the district. [L. O. L. § 4227.]

§ 413. *Board of Examiners.*

For the purpose of examining and grading the manuscripts of pupils taking the examination mentioned in sections 411 and 412, the county school superintendent may, at his discretion, appoint for each examination four persons, who, with the county superintendent, shall constitute a county board of examiners for the uniform eighth grade examinations; but no person shall be eligible for appointment as a member of said board who does not at the time of his appointment hold a valid teacher's certificate in full force and effect in said county. The county superintendent, or some member of said board appointed by him, shall be chairman of said board, and a majority shall constitute a quorum. [L. O. L. § 4228.]

§ 414. *Meeting of the Board of Examiners.*

It shall be the duty of said board of eighth grade examiners to meet at the county seat, at the call of the county superintendent, for the purpose of examining and grading the manuscripts of pupils taking such examinations in accordance with sections 411 and 412. No questions shall be used in such examination except those prepared by the Superintendent of Public Instruction, as provided in Section 411. [L. O. L. § 4229.]



§ 415. *Results Shall Be Reported to Superintendent of Public Instruction.*

It shall be the duty of the county superintendent to report to the Superintendent of Public Instruction within two days after any meeting of the County Board of Eighth Grade Examiners, the names of all pupils passing any examination, as herein provided, together with such other facts relating to said pupils or said examination as the Superintendent of Public Instruction may require. [L. O. L. § 4230.]

§ 416. *Compensation of Examiners.*

Each member of the eighth grade board of examiners, except the county superintendent, shall receive the sum of \$3.00 per day for the time actually employed in the examination herein provided for; *provided*, that no examiner shall receive pay for more than three meetings of said board in any one year, nor for more than three days at any one of such meetings. Any claim for compensation for services under this section shall be certified to by the board and audited by the county court, and paid out of the general fund of the county. [L. O. L. § 4231.]

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### CHAPTER III.

#### ARBOR DAY.

§ 417. *Arbor Day Exercises—Forest Preservation.*

The second Friday in the afternoon in April of each year shall hereafter be known throughout this State as "Arbor Day." In order that the children in our public schools shall assist in the work of adorning the school grounds with trees, and to stimulate the minds of children towards the benefits of the preservation and perpetuation of our forests, and the growing timber, it shall be the duty of the authorities in every public school district in this State to assemble the pupils in their charge on the above day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of city superintendents, county superintendents, teachers, and directors, or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises as shall tend to encourage the planting, protection, and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. [L. O. L. § 4135.]

§ 418. *Exercises Prescribed From Year to Year.*

The Superintendent of Public Instruction shall, from year to year, under and by the direction of the State Board of Education, have power to prescribe, from time to time, a course of exercises and instructions in the subjects mentioned in Section 417, which shall be adopted and observed by the said public school authorities on Arbor Day. [L. O. L. § 4136.]

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## CHAPTER IV.

### TEACHERS' RETIREMENT FUND ASSOCIATION.

§ 419. *Teachers May Establish Association.*

That in every school district in this State now or hereafter having more than 10,000 children of school age, the teachers employed in such district may with the consent and approval of the board of directors of said district incorporate and establish an association to be known as Teachers' Retirement Fund Association, said incorporation to be formed and organized, and to have duties, powers, and privileges as hereinafter and in the general laws of this State provided. [L. 1911, Ch. 280, p. 510, § 1.]

§ 420. *Incorporation Must Be Under Laws of State.*

Any such plan for the establishment of such an association shall include a provision for the incorporation and organization under and in pursuance of the provisions of the laws of this State, providing for the creating and organizing of religious, charitable, and educational corporations, except as herein otherwise provided. [L. 1911, Ch. 280, p. 510, § 2.]

§ 421. *Plan Must Be Approved by School Board.*

Whenever the teachers in any school district in this State having more than 10,000 children of school age desire to avail themselves of the privileges of this act, they shall formulate a plan for the incorporation and organization of such an association, and the collection and disbursement of the funds for the benefit of retired teachers in said district, which said plan shall be submitted to the board of directors of such school district for its approval, and when the same is approved by the board of directors, said association so established and incorporated shall have full power and authority to receive, collect, invest, loan, and disburse funds in accordance with the said plan so adopted. [L. 1911, Ch. 280, p. 510, § 3.]



§ 422. *Qualified Teachers May Meet and Organize Association.*

When said plan has been approved by the board of directors, a meeting of the teachers qualified to be members of said association as herein provided shall be called by said board of directors, to be held at such time and place as directors may appoint, for the purpose of selecting three or more persons to act as incorporators and trustees of said association until the same is fully organized. Such persons so selected shall execute and file articles of incorporation as by law provided, and shall receive and act upon applications for membership in such association until 300 members have been so elected, and thereupon the said incorporators shall call a meeting of the members so elected to be held at such time and place as they shall designate, and at such meeting said corporation shall be fully organized by the election of trustees and other officers, and adoption of by-laws for the government of the association. The trustees so elected at said meeting to be successors of the incorporators selected at the meeting above provided for. Notice of the meeting of teachers as hereinbefore provided for and the first meeting of the members of the association shall be given five days before such meeting by posting the same in three public places within the district. Notice of the meeting of the teachers as above provided for shall be signed by the clerk of said school district, and the notice of the first meeting of the members of the association shall be signed by the incorporators or a majority. [L. 1911, Ch. 280, p. 510, § 4.]

§ 423. *Plan Must Be Approved by Majority of Teachers Employed in District.*

No such association shall be incorporated or commenced to collect and disburse funds until the plan so to be proposed by said teachers shall be approved in writing by majority of all the teachers in employ of such district. At the time of the incorporating of said corporation there shall be filed with the articles of incorporation an affidavit made by the clerk of said school district to the effect that a majority of the said teachers have approved in writing of the formation of said association. [L. 1911, Ch. 280, p. 511, § 5.]

§ 424. *Teachers Accepting Employment Shall Be Members of Such Association.*

From and after the time of the incorporation and organization of said association all teachers accepting employment in said district, who have not been previously employed therein, under an election by the said board of directors for a period of one year or more shall be deemed to have applied for

membership in and been elected a member of such association, and shall be subject to the provisions and requirements contained in said plan of the association and be entitled to the benefits thereof. [L. 1911, Ch. 280, p. 511, § 6.]

§ 425. *Association Shall Have Three Per Cent of County School Tax.*

There shall be paid and turned over to the said association, when the same shall have been organized as in this act provided, by the board of directors of said school district in which said association is formed, a sum equal to three per cent of the amount of tax received by said school district as its portion of the tax levied for school purposes by the county court of the county in which said district is situated, together with all fines, penalties and forfeitures collected or received by such school districts from teachers and other employees for violation of any rule, regulation or law adopted for the government of such teachers or employees, the same to be paid to said association as fast as it is received by said school district. [L. 1913, Ch. 58, p. 87, § 1.]

§ 426. *Association Empowered to Hold Real Estate.*

Any such association so to be formed shall be empowered to receive, hold, sell, mortgage, and otherwise dispose of real and personal property, either by gift or purchase or in any other lawful ways, and also to loan and invest the funds of said association in such manner as the officers thereof may deem best and as may be provided by its articles of incorporation and by-laws. [L. 1911, Ch. 280, p. 511, § 8.]

§ 427. *Funds Shall Be Pro-Rated When Not Sufficient to Pay Annuities in Full.*

Said plan of said incorporation may provide that in the event the funds of the association are not sufficient to pay annuities in full as provided therein during any particular year, that the amount available shall be pro-rated between those entitled to receive the same. [L. 1911, Ch. 280, p. 512, § 9.]

§ 428. *The Word "Teachers" Defined.*

The word "teachers" as used in this act shall include superintendents, supervisors, and principals, as well as instructors who are in the employ of the school district or districts mentioned in this act in which said persons are so employed. [L. 1911, Ch. 280, p. 512, § 10.]



§ 429. *Funds Shall Be Exempt From Garnishment, Etc.*

Any annuity or money which shall by the provisions of this act or by said articles of incorporation or by-laws of the association become due or payable to the members of said association shall be exempt from attachment, garnishment, and execution, nor shall any part hereof be liable for the debts or liabilities of any such member. [L. 1911, Ch. 280, p. 512, § 11.]

## RULES AND REGULATIONS

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*For the general government of public schools and for the maintenance of discipline therein, made in pursuance of the Oregon School Laws.*

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REVISED BY THE STATE BOARD OF EDUCATION, JUNE, 1913.

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### APPEALS.

RULE I. In all trials before a district board of directors the clerk of said district shall furnish the defendant, in writing, a copy of the charges preferred against him, and also the time and place where the matter at issue will be tried; *provided*, that at least five days shall elapse between the time that the defendant shall receive said notice and the date of trial. In all such trials the board shall have authority to hear and receive testimony for either party, and for that purpose may subpoena witnesses and administer oaths if necessary; and the defendant shall have an opportunity to be heard in person or by an attorney.

RULE II. Any person aggrieved by any decision or order of the district board of directors in any matter of law or of facts (pertaining to his school district) may, within ten days after the rendition of such decision or the making of such order, appeal therefrom to the county superintendent of the county; *provided, further*, that this right of appeal shall be open to all in relation to all school difficulties and complications occurring in school districts.

RULE III. The basis of the proceeding shall be a notice of appeal, filed by the party aggrieved with the county superintendent, within the time for taking the appeal.

RULE IV. Notice of appeal shall set forth the errors complained of in a plain and concise manner.

RULE V. The county superintendent shall, within ten days after the filing of such notice of appeal in his office, notify the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceedings relating to the decision complained of, which transcript shall be certified to be correct by the clerk of the district.

RULE VI. After the filing of the transcripts aforesaid in his office, the county superintendent shall notify, in writing, the appellant and all other parties to the proceeding of the time and place where the matter of appeal will be heard by him.

RULE VII. At the time fixed for the hearing, both the appellant and the respondent shall have an opportunity to be heard, either in person



or by attorney, but no evidence shall be considered by said superintendent, except that produced before the board of directors from which the appeal is taken. After hearing such argument, the county superintendent shall make such decision as may be just and equitable, and when the aforesaid decision has been made he shall immediately notify all parties to the proceeding of his decision.

**RULE VIII.** An appeal may be taken from the decision of the county superintendent to the Superintendent of Public Instruction, in the same manner as provided for taking appeals from the district board to the county superintendent, as nearly as applicable, except that the Superintendent of Public Instruction shall give twenty days' notice of the hearing of the appeal to the appellant and all other parties to the proceeding, and the decision when made shall, so far as the school department is concerned, be final. This right of appeal shall apply to all cases, except as hereinafter provided, and in any case of sufficient importance the Superintendent of Public Instruction may bring the matter before the State Board of Education for determination. The county superintendent, having acted as trial judge in the original hearing, shall in no way be considered a party to the appeal.

#### TEACHERS' EXAMINATIONS.

**RULE IX.** Examinations for State Certificates shall be held at the county seat of each county, commencing at 9 o'clock on the third Wednesday of June and December of each year and continuing four days.

**RULE X.** All examination questions shall be forwarded by the State Superintendent to the several county superintendents, who shall have exclusive charge of said questions until the examinations commence. The questions shall be enclosed in sealed envelopes, which are not to be opened until the time fixed for the examination, and then only in the presence of the person conducting the examination, and the class—all the applicants being seated and ready to begin their work: The package of questions shall be held up before the class, to show that the seals have not been broken.

**RULE XI.** Applicants are expected to note carefully the time set for the different branches and to present themselves at the time appointed for the subjects in which they wish to be examined. No applicant shall be permitted to take the examination in a subject unless he is present at the time the questions in such subject are opened.

**RULE XII.** The examiner shall give to each applicant for a State paper, at the beginning of the examination, a number, which number shall be placed on each half sheet in lieu of the applicant's name.

**RULE XIII.** All applicants must indorse their papers with their numbers, the name of the subject, and the date of the examination; and all entries pertaining to the examination shall be made on these numbers only until after the manuscripts are graded. No applicant shall place his name on an examination paper.

**RULE XIV.** All applicants shall begin on a given subject at the same time, and no recess shall be taken until that subject is finished.

**RULE XV.** Applicants are required to answer in complete sentences, as far as practicable. Full credits will be given only when answers are correct in fact and form.

RULE XVI. No applicant shall be allowed to have any text-book, reference book or memoranda, in his possession while taking an examination.

RULE XVII. No applicant shall be allowed to leave the room or communicate with any person during the examination, except by special permission of the one in charge of the examination.

RULE XVIII. Every applicant, before receiving his certificate, must subscribe to the following:

I do hereby certify that prior to this examination I had no knowledge of the questions proposed, and have neither given nor received any aid during the progress of the same.

RULE XIX. No person conducting an examination shall communicate to any one the standing of any applicant on any study during the examination.

RULE XX. County superintendents must require all applicants for teachers' certificates, who are not personally known to them to be of good moral character, to present satisfactory written testimonials to that effect from two or more persons of respectable standing. Such testimonials shall be filed with the county superintendent and shall remain in his office for one year.

RULE XXI. The school laws provide the following fees for certificates:

Life State Certificate .....	\$6.00
Five-year State Certificate or renewal thereof.....	4.00
Primary five-year State Certificate or renewal thereof....	4.00
One-year State Certificate or renewal thereof.....	2.00
Special certificate .....	6.00

The county superintendent should collect and receipt for the fees, and forward the same to the Superintendent of Public Instruction, with the preliminary papers.

RULE XXII. In beginning an examination for any one-year certificate, the applicant shall pay a fee of two dollars, and thereafter no examination fee shall be charged when the applicant is working for exemptions only; *provided*, he takes less than one-half the subjects required for a one-year certificate. Whenever applicants take the examination in any of the five additional subjects required for a five-year certificate, or in any of the additional subjects required for a life certificate, the fees provided for such papers shall be paid at the time of the examination.

RULE XXIII. Any teacher who holds a paper that has not yet expired, or who, for any other reason does not wish to have his certificate issued at the time of the examination, should write "Issue on demand," on the preliminary paper. If the applicant passes the examination he may, at any time within three years from the date of the examination, apply to the Superintendent of Public Instruction; and the certificate will be issued and will bear the date upon which the application is made.

RULE XXIV. Before finally leaving any examination, every applicant must fill out and sign a preliminary paper. At the same time, the applicant should compare the subjects checked on the preliminary paper with the subjects checked on the county superintendent's check sheet, to see that no errors have been made in checking the subjects.



RULE XXV. These rules should be read to the applicants at the beginning of the examination, and a copy posted in the room in which the examination is given.

#### TEACHERS.

RULE XXVI. The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours' session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the school room shall not exceed three hours and a half per day.

RULE XXVII. Teachers shall exercise watchful care and oversight over the conduct and habits of the pupils, not only during school hours, but also at the recesses and intermissions, and while going to and returning from school.

RULE XXVIII. It is expected that a strict and wholesome discipline will be constantly maintained in all public schools; but teachers are cautioned against displays of ill temper and undue severity in the school room.

RULE XXIX. In any case of misconduct or insubordination, when the teacher deems it necessary for the good of the school, he may suspend a pupil, and shall immediately notify the directors of the district thereof. The directors shall forthwith meet and consider the matter, and if they approve the action of the teacher and think the case calls for further punishment, they may expel the pupil from the school.

RULE XXX. Teachers in the public schools shall, to the utmost of their ability, inculcate in the minds of their pupils correct principles of morality, and a proper regard for the laws of society, and for the government under which they live.

RULE XXXI. Every public school teacher shall give vigilant attention to the temperature and ventilation of the school room and shall see that the doors and windows are open at each intermission for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recesses, but he shall strictly prohibit all dangerous and immoral games and amusements.

RULE XXXII. Teachers shall have the right, and it shall be their duty, within reasonable limits, to direct and control the studies of their pupils; to arrange them in proper classes, and to decide, subject to these rules, what and how many studies each shall pursue; *provided*, the said direction and control of studies and arrangements of classes shall be in accordance with the course of study prescribed by the State Board of Education.

RULE XXXIII. Teachers shall exercise reasonable supervision over the text-books of the pupils, to prevent their defacement or wanton destruction. Teachers shall also give vigilant attention to the care of the school house, outbuildings, school furniture, and other school property. They shall frequently inspect the same, and promptly report to the district officers any damage or neglect.

RULE XXXIV. Teachers shall follow the State course of study prescribed by the State Board of Education.

RULE XXXV. Every teacher in the public schools shall be provided by the board of directors with a school register, in which he shall carefully note the attendance, standing and classification of his pupils, and other data prescribed by the State Board of Education.

RULE XXXVI. Every teacher in the public schools shall prepare, at the beginning of each term, a program of daily exercises and recitations and post the same in a convenient place in the school room for the benefit of the school.

RULE XXXVII. At the close of the school year, or whenever the teacher leaves the school, he shall make in the school register a copy of his program and shall carefully note the point in the State Course of Study where each class began and closed, together with such other data as the State Board of Education may require. At the close of the school the teacher shall deposit the register with the clerk of the district, who shall preserve the same, along with the other books and papers belonging to his office, for inspection.

RULE XXXVIII. Teachers are authorized to require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence or tardiness, or dismissal before the close of the school, and no excuse shall be deemed valid except that of sickness. The teacher shall be the judge of the sufficiency of excuses, subject to an appeal to the directors; *provided*, that the boards of directors may, by formal adoption, change the character of the excuses, which shall be deemed valid in compliance with the powers of directors as set forth in Section 122 of this compilation.

RULE XXXIX. Whenever the unexcused absences of any pupil during any term shall amount in the aggregate to seven days, he shall be reported to the directors, and the teacher may suspend him until the opinion of the directors can be taken. For this purpose an unexcused absence or tardiness for half a day or less, or for more than one hour at any one time, shall be deemed a half day's absence; and such absence or tardiness for more than half a day at one time shall be reckoned as an absence for a whole day; *provided*, that boards of directors may establish a less time of absence or tardiness as cause for suspension or expulsion, which shall be deemed valid in compliance with the powers of directors, as set forth in section 122 of the Oregon School Laws.

RULE XL. The names of those pupils of the public schools of this State who, at the close of any month shall be found to have been neither absent nor tardy during the month, and who have maintained correct deportment, shall be read to the pupils of the school, and recorded in the teacher's register for the inspection of school visitors.

RULE XLI. In all public schools in this State the teachers shall require of their pupils regular stated exercises in composition and declamation.

#### PUPILS.

RULE XLII. No pupil shall be allowed to retain connection with any public school unless provided with books, tablets, and other things required to be used in the classes to which he is assigned; but no pupil shall be excluded for this cause unless the teacher shall have given one week's previous notice to his parents or guardians of the articles needed. Indigent pupils may be supplied with books, etc., at the expense of the district, if the directors so order.

RULE XLIII. Pupils affected with contagious diseases shall not be allowed to remain in any of the public schools.



RULE XLIV. Every pupil required to attend school punctually and regularly; to conform to the regulations of the school, and to obey promptly all the directions of the teacher; to observe good order and propriety of deportment; to be diligent in study, respectful to teachers, and kind and obliging to schoolmates; to refrain entirely from the use of profanity and vulgar language, and to be clean and neat in person and clothing.

RULE XLV. That portion of these rules and regulations pertaining to the duties and privileges of teachers and pupils shall be read and explained by the teacher, in the presence of the school, at least once during each school term.

## SUGGESTIONS FOR USE OF SCHOOL OFFICERS.

### SCHOOL MEETINGS.

1. Notice of all district meetings should be given as prescribed by law, and the object for which the meeting is called should be explicitly and minutely set forth.

2. The presiding officer is designated in Section 187 of the school law. It is his duty to call the meeting to order, and, on the appearance of a quorum, to proceed to business.

3. The clerk of the district is *ex officio* secretary of the meeting, and it is his duty to record all motions voted upon by the meetings; also all items of importance to the district should be noted, the minutes being completed, if possible, and presented to the meeting prior to adjournment. All minutes should be properly recorded and preserved in the district record book.

4. The chairman of the meeting should preserve order, and he may speak on points of order in preference to other members. He decides all points and questions of order, subject to an appeal to the meeting by motion regularly made and seconded, and no other business shall succeed until the question on appeal has been determined. The form of putting a question on appeal is as follows: "Shall the decision of the chair stand as the judgment of the meeting?" The chairman may vote on an appeal. No second appeal should be entertained until the original appeal is disposed of.

5. The chairman should put all questions clearly in order, but he should not put irregular motions or motions made at improper times.

6. All business coming before the meeting should be in the form of a written resolution, order, or motion. This is regular and will aid the clerk in keeping accurate minutes.

7. The chairman, in putting a question, should rise in his place and distinctly state the motion. All questions should be put in the order in which they are moved. After a motion is stated by the chairman it is in the possession of the meeting, to be disposed of by vote. The question may be withdrawn by the mover, pending discussion, before a decision is reached, or before an amendment is offered, except a motion to reconsider.

8. No member is entitled to address the meeting except under a pending motion which has been seconded, or by special privilege, or rule of the meeting.

9. No member is entitled to speak more than twice upon the same question, except by special permission of the meeting.

10. The following motions take precedence over all others. The motion to adjourn, the motion to lay on the table, the motion for the previous question, the motion to postpone. These several motions are not debatable.

11. The motion to adjourn is first in order, and always in order; but having once failed it should not be repeated until other business has been transacted.

12. The motion to lay on the table is a temporary one; its main purpose usually is to secure time for consideration before the previous question is ordered.

13. The previous question is disposed of as follows: The chairman demands, "Shall the main question be now put?" After it is moved the motion is not debatable.

14. Indefinite postponement is the last motion before the vote in passing or rejecting any proposition.

15. Members have an equal right to the floor, and when two or more rise at once the chairman names the one entitled to speak; *provided*, that no member should be allowed to speak more than once until other members have been granted the same privilege.

16. No member speaking should be interrupted by another, but by rising to call to order.

17. Any member may call for a "division" of a question, when the sense will admit of it, and the chairman should decide this, generally, without appeal.

18. The unfinished business of any meeting should have preference at any meeting immediately subsequent. The usual rule in this case seems to be that all questions relating to the priority of business to be acted upon shall be decided without debate.

19. No rule or order should be dispensed with, altered, or repealed unless two-thirds of the members present consent thereto.

20. To prevent hasty and inconsiderate action on matters which may not be well understood at once, and perhaps to prevent long and irrelevant debate, every motion, order, or resolution offered by the members should be reduced to writing prior to the presentation to the secretary or meeting.

## COUNTRY SCHOOLS.

### LOCATION.

1. It is assumed that the school district has been accurately surveyed, and the metes and bounds recorded. Without this the choice must be, to some extent, guesswork. The location should be as near as may be convenient to the geographical center of the district; but reference must be had to the roads by which it can be reached and the impediments that may lie in the way. In rural districts the geographical center, when access is easy, should be preferred to the center of population, because the latter is liable to change.

### SITE.

2. Hollows and the edges of swamps should be avoided. Hill-tops are also objectionable. A moderate elevation, from which the ground slopes in all directions, is to be preferred. A piece of woods, which would shelter the house from the prevalent winds of winter, is a great protection; but no trees should be allowed to stand within fifty feet of the building.

### ORIENTATION.

3. This question has not yet been settled by theorists. So much depends on the location and the site, and the kind of building that is erected, that no general rule can be given. Considering that the country schoolhouse is usually closed for several months in summer, it will generally be most convenient to have the house built so that pupils may sit facing the north; the windows should not be on opposite sides of the building.

### PLANS AND SIZE.

4. Let us, for the sake of simplicity, confine our attention to the country schoolhouse, with one teacher and an attendance of from twenty



to fifty pupils. In such schoolhouse more than two-thirds of the people of the United States have received and will receive their elementary education. A square house is objectionable. The length should be about one-third greater than the width. This gives room for the teacher's desk and for a recitation seat, and places the desks in a square block in front of the teacher. There should be at least twelve square feet of floor space for each pupil. The ceiling should be twelve and a half feet in average height; this will allow each pupil one hundred and twenty cubic feet of air space, and under no circumstances should there be less than this amount. A house twenty-four by eighteen feet, inside measurement, will accommodate twenty-two pupils; a house twenty-eight by twenty-one will accommodate forty pupils; twenty-four by thirty-two, fifty pupils. It is advisable to build a house large enough for an attendance one-fourth larger than the number usually going to school in the district. The new house attracts better teachers, and the double attraction secures more pupils. Section 72 of this compilation provides that it shall be illegal for any school district of the third-class to erect a school building until the plans for the same have been approved by the county superintendent.

#### WARDROBES OR CLOAKROOMS.

5. A place for depositing the outer garments in safety and in an orderly manner is a necessity in even the cheapest and smallest schoolhouse. Such a place is often obtained by building a vestibule in front of the house. This arrangement improves the external appearance of the house, but it is comparatively costly and not free from other objections. The cheapest and best plan in a house of only one room is to cut off from the south side of the room two small cloakrooms, one for the boys and one for the girls. The pupils' entrance is by a door leading into the small passage between these two closets. There is no door to the closets; an arched doorway always open exposes the interior of the closets at all times to the eye of the teacher, whose desk is in the north end of the house. These closets should be furnished with suitable clothes hooks and with shelves to hold lunch baskets.

#### PLASTERING.

6. As most of the country schoolhouses are closed during part of the year, the plastering is apt to be affected by the damp. The walls should be wainscoted to the height of four feet from the floor. If the rest of the wall were sheathed with wood of a lighter color than the wainscoting and the ceiling covered with the same material, it would be found much better than plaster, more ornamental, more durable and not so much more expensive.

#### OUTBUILDINGS.

7. The health and comfort of teacher and pupils demand:

*First*—That a substantial woodshed be built and a sufficient supply of good fuel be placed therein at the beginning of each term.

*Second*—Common decency always demands that water-closets be provided and placed in the opposite rear angles of the school yard, or in some other convenient situation.

Gravel, plank, or brick should be laid from the schoolhouse to these buildings. The advantages of placing these closets in easy and convenient communication with the school room are numerous. The fierce winds in winter, the wet and soft grounds in fall and spring are dangerous exposures to delicate children in leaving a hot room, who are compelled to traverse the length of the playground through mud and water to a mean and miserable shed through which the wind constantly and

freely blows. The water-closets should be simple and substantial in construction, and not too large. Two feet and a half of room is ample for each child, and never under any circumstance should there be two seats in the same inclosure. Each seat should be in an inclosure by itself, and the screens should be six feet in height or more. In very many delicate and nervous children nature refuses to perform its usual functions, however great the necessity, in the presence of others or under unaccustomed circumstances, and a decent privacy in the school conveniences is necessary to save such from daily pain, and more often serious consequences. The promiscuous arrangement and condition of the ordinary school privileges urgently demand that these necessary appliances should receive at least as much care as the other circumstances of school life.

#### APPARATUS.

8. Globes, charts, numeral frames, outline wall maps, ink, paper, text-books, cube and square root blocks, are necessary appliances for the efficient management of every school.

#### FURNITURE.

9. Among the indispensable articles of furniture are a few chairs, a teacher's table, blackboard and crayons, a clock, a dictionary, a covered water jar, pointers, erasers, brooms and brushes. Each school should be furnished with a closet in which the movable property may be secured, and a bookcase for the school library.

#### BLACKBOARDS.

10. Blackboards should extend entirely around schoolroom. Have the top about six and one-half feet from floor. For use of young children the boards should reach to within two feet of floor, the height of boards to be determined by the age and size of children that occupy the different rooms. Slate boards are noisy and expensive. Wooden boards are also noisy and unsatisfactory. Paper or artificial slate boards are the most satisfactory. There are several manufactures of this kind of blackboard, and it would be well for the school committee to get samples from each before selecting.

#### LIGHTING.

11. Special attention should be given to the size and location of windows; quality and mountings of glass should be in a manner that will not interfere with the transmission of light by casting shadows. All windows should be high and all windows covered by shades for controlling the light so that the supply of light may come from above and not from below. The light should not be sparingly admitted and it should not be too strong to be trying on the eyes. The light supply should be located so as not to come from opposite directions and desks should be arranged so that the light will come from above and from the left side. Clear glass free from flaws and irregularities is best calculated to transmit light. Tinted or colored glass should not be used in the schoolroom. High windows in the rear of the schoolroom to admit of ventilation and casting high light are very desirable.

#### VENTILATION.

12. More defects are to be found in the arrangements for lighting and ventilating than in any other respect. The average school patron does not realize the importance of these points, and too often the teacher is negligent concerning them.



When pupils are sluggish, inattentive, or irritable, there is cause to believe that the air is not so pure, or the light not so good, as should be.

The admission of fresh air into the room without causing a draft is often a problem hard to solve. If the matter is given the proper attention during the construction of the building it will save much worry and trouble.

The two floor joists (sleepers) that pass under the place where the stove is to be set should be carefully ceiled on the under side; a hole cut in the weatherboarding above the sill at the end of this flue as long as the joists are apart and as wide as the joists. This hole should be covered with wire gauze. A hole should be cut in the floor just under the stove about eight inches square. This should also be covered with wire gauze. This air box, if constructed as suggested above, will be eight or ten inches deep and one and a half or two feet wide. It should be perfectly airtight under the house so that dust or foul air from under the house would not be drawn into it.

If no air leaves the room none can enter; therefore it is necessary to provide a vent for the escape of the impure air. Hot air rises and if this opening is made in the overhead ceiling, the cold air in parts of the room not near the stove will remain unchanged and not heated. The carbonic acid gas which is given off by the pupils in breathing is heavier than air and if the escape vent is not near the floor this foul gas will not be removed, although pure air may be passing through the room.

At the gable end of the room, sheet two studs with tin, or tar paper. The plate should be cut out between these two studs and the box continued to within two feet of the comb. Here an opening should be made in the weatherboarding as large as the space enclosed between the studs. The tin or paper on the inside should be pulled across and attached to the weatherboarding just above this hole.

At the floor the baseboard should be cut out between these two studs. The holes at each end of this flue should be protected with wire gauze to keep out birds and rats. If this flue is not made airtight on the sides, the cold air rushing through the cracks of the weatherboarding will prevent its taking the air from the room.

Around the stove should be a sheet-iron jacket, a foot higher than the stove, and six to twelve inches from its sides all around. As the air inside this jacket is heated and rises, the air from the flue underneath rushes up to take its place and be heated. The air in the room is pressed down, and being warmer than the air outside, causes a draft through the opening in the baseboard at the end of the room.

It costs no more to have the windows so arranged that the rooms of the building may be properly lighted and ventilated. They may be as far as three feet above the floor, but they should reach within a foot of the ceiling. The upper sash should be hung with weights or on hinges. In most schoolrooms the space above the tops of the windows is one-fourth or more of the space in the room. Only when the air in this space is cooler than that on the outside will it descend and pass out the openings.

Under no circumstances should windows be at the end of the room toward which the pupils face when seated. If only one side is lighted, so arrange the seats that the light comes to the left side of the pupil.

If possible the room should be so located that the pupils seated shall face north. All maps should be hung on the north wall. This is especially important in the arrangement of rooms for primary grades.





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